



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 14 September 2020

Dear Councillor

## **Planning Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Tuesday, 22 September 2020  
**Time:** 10:00  
**Venue:** By Microsoft Teams and Committee Room 1,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ann Le Blond, Martin Lennon, Richard Lockhart, Joe Lowe, Kenny McCreary, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh

### **Substitutes**

John Anderson, Walter Brogan, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Ian Harrow, Ian McAllan, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

## BUSINESS

### 1 Declaration of Interests

- 2 **Minutes of Previous Meeting** 5 - 18  
Minutes of the meeting of the Planning Committee held on 25 August 2020 submitted for approval as a correct record. (Copy attached)

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#### Item(s) for Decision

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- 3 **Application P/19/0816 for Change of Use of Land from Agriculture to Storage or Distribution (Class 6), Installation of Modular Office Building, Erection of Vehicle Washing Bay and Creation of Hardstanding Area (Retrospective) at Townhead Farm, Ponfeigh Road, Sandilands, Lanark** 19 - 36  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 4 **Application P/19/0983 for Erection of Single Storey Extension to House to Form 'Granny Annex' at 7 Douglas Drive, Cambuslang** 37 - 56  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 5 **Application P/20/0129 for Erection of 19 Houses, Formation of Access Road, Associated Parking, Landscaping and Fencing at Land at Bartie Gardens, Ashgill, Larkhall** 57 - 78  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 6 **Application P/19/1794 for Erection of 50 Residential Houses, Associated Landscaping and Infrastructure at Land 110 Metres Northwest of Littlepark Cottage, Jackton Road, East Kilbride** 79 - 100  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 7 **Application P/19/1807 - Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511 for Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth A706 to Carnwath A70, Carnwath, Lanark** 101 - 124  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 8 **Application P/20/0542 for Residential Development and Associated Works Including Demolition of Buildings and Land Re-profiling Operations (Planning Permission in Principle) at Former Philips Factory, Wellhall Road, Hamilton** 125 - 148  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 9 **Application P/20/0800 for Erection of 7 Tourist Accommodation Pods, Associated Vehicular Access, Car Parking Area, Landscape Bund, Landscaping and Access Footpaths at Cornhill House Hotel, Coulter, Biggar** 149 - 162  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 10 **Application P/20/0244 for Erection of 2 Storey Side/Rear Extension and Front Porch at 44 Grant Court, Hamilton** 163 - 172  
Report dated 14 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 11 **Application P/20/0624 for Formation of Extension to Cuningar Loop Woodland Park Incorporating Open Space, Path Network, Woodland Planting, Land Regrading, Paths, Boardwalk, Street Furniture and Associated Works at Cuningar Woodland Park, Downiebrae Road, Rutherglen** 173 - 184  
Report dated 3 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 **Application P/20/0495 for Erection and Operation of Wind Farm Consisting of 8 Turbines at a Height of 180 Metres to Blade Tip (Section 36 Consultation) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark** 185 - 218  
Report dated 28 August 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 **Application HM/15/0466 for Residential Development (Planning Permission in Principle) at Greyfriars, Greyfriars Road, Uddingston** 219 - 222  
Report dated 3 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 14 **BT Payphone Removal** 223 - 244  
Report dated 1 September 2020 by the Executive Director (Community and Enterprise Resources). (Copy attached)

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### **Urgent Business**

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**15 Urgent Business**

Any other items of business which the Chair decides are urgent.

***For further information, please contact:-***

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: [pauline.macrae@southlanarkshire.gov.uk](mailto:pauline.macrae@southlanarkshire.gov.uk)



## PLANNING COMMITTEE

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Minutes of meeting held in Committee Room 1 and via Microsoft Teams, Council Offices, Almada Street, Hamilton on 25 August 2020

### Chair:

Councillor Isobel Dorman

### Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Archie Buchanan, Councillor Stephanie Callaghan, Councillor Margaret Cooper (*substitute for Councillor Jackie Burns*), Councillor Gerry Convery (*substitute for Councillor Davie McLachlan*), Councillor Margaret Cowie, Councillor Peter Craig, Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham (Depute), Councillor Ann Le Blond, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Kenny McCreary, Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

### Councillors' Apologies:

Councillor Jackie Burns, Councillor Lynsey Hamilton, Councillor Davie McLachlan, Councillor John Ross (ex officio)

### Attending:

#### Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters and Area Manager (Clydesdale), Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); J Wright, Minerals Officer, Planning and Building Standards Services

#### Finance and Corporate Resources

M Canning, Legal Adviser; A Livingston, Public Relations Officer; P MacRae, Administration Adviser; S McLeod, Administration Officer

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## 1 Declaration of Interests

The following interest was declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Allison	Application P/19/1807 - Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511, Relating to the Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark	Business connection with an objector to the proposal

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## 2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 23 June 2020 were submitted for approval as a correct record.

**The Committee decided:** that the minutes be approved as a correct record.

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### **3 Application P/20/0338 for Retention of Facade and Part Full Height Gable Wall of Former Hotel, Alterations and Extensions to Form Mixed Use Building Consisting of 15 Flats and 1 Commercial Ground Floor Unit (Class 3) at Royal Oak Hotel, 39 Bannantyne Street, Lanark**

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Prior to consideration of planning application P/20/0338, the Planning and Building Standards Headquarters and Area Manager (Clydesdale) updated the Committee on developments in relation to the Proposed South Lanarkshire Local Development 2. He advised that, on 17 August 2020, the Directorate for Planning and Environmental Appeals had issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy had been recommended. For the purposes of determining planning applications, the Council was, therefore, required to assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporter's amendments. Whilst the Reporter's amendments had yet to be ratified by South Lanarkshire Council, they were, nevertheless, a material planning consideration.

The Committee then proceeded to consider a report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) on planning application P/20/0338 by Burgess Homes RO Limited for the retention of façade and part full height gable wall of former hotel and alterations and extensions to form mixed use building consisting of 15 flats and 1 commercial ground floor unit (Class 3) at the Royal Oak Hotel, 39 Bannantyne Street, Lanark.

**The Committee decided:** that planning application P/20/0338 by Burgess Homes RO Limited for the retention of façade and part full height gable wall of former hotel and alterations and extensions to form mixed use building consisting of 15 flats and 1 commercial ground floor unit (Class 3) at the Royal Oak Hotel, 39 Bannantyne Street, Lanark be granted subject to the conditions specified in the Executive Director's report.

*In terms of Standing Order No 13, the Chair adjourned the meeting following this item of business at 10.30am. The meeting reconvened at 10.40am*

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### **4 Application CR/17/0039 for Residential Development Comprising 26 Houses with Associated Roads, Landscaping, Footpath/Clyde Link and SUDs at Gilbertfield Road, Cambuslang**

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A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0039 by Dundas Estates and Development Company for a residential development comprising 26 houses with associated roads, landscaping, footpath/Clyde link and SUDs at Gilbertfield Road, Cambuslang.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application CR/17/0039 by Dundas Estates and Development Company for a residential development comprising 26 houses with associated roads, landscaping, footpath/clyde link and SUDs at Gilbertfield Road, Cambuslang be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report

- ♦ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made towards improvement/upgrading of education and community facilities and affordable housing provision in the area
  - ♦ the applicants meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)]*

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## **5 Application CR/17/0076 for Residential Development Comprising 47 Houses with Associated Roads, SUDs and Landscaping at Gilbertfield Road, Cambuslang**

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A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0076 by Dundas Estates and Development Company for a residential development comprising 47 houses with associated roads, SUDs and Landscaping at Gilbertfield Road, Cambuslang.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

### **The Committee decided:**

- (1) that planning application CR/17/0076 by Dundas Estates and Development Company for a residential development comprising 47 houses with associated roads, SUDs and Landscaping at Gilbertfield Road, Cambuslang be granted subject to:-
- ♦ the conditions specified in the Executive Director's report
  - ♦ prior conclusion of a Section 75 Agreement and/or other appropriate agreement between the Council and the applicant to ensure appropriate financial contributions were made towards improvement/upgrading of education and community facilities and affordable housing provision in the area
  - ♦ the applicants meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

*[Reference: Minutes of 7 July 2015 (Paragraph 15) and 9 February 2016 (Paragraph 7)]*

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**6 Application P/20/0466 - Section 42 Application to Amend Condition 1 of Planning Consent CL/13/0098 for the Extraction of Peat at Hillhouse Farm, Eastertown Road, Sandilands, Lanark**

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The Chair advised that this application had been withdrawn at the request of the applicant.

**The Committee decided:** to note the position.

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**7 Application P/19/1829 for Erection of Wind Turbine, up to a Maximum Blade Tip Height of 150 Metres, with Associated Infrastructure Including Crane Pad, Access Track and Electrical Housing at West Dykes Farm, C133 Waterhead Peelhill and Linbank Highway, Strathaven**

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A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1829 by R Johnson for the erection of a wind turbine, up to a maximum blade tip height of 150 metres, with associated infrastructure including crane pad, access track and electrical housing at West Dykes Farm, C133 Waterhead Peelhill and Linbank Highway, Strathaven.

Points raised in 18 further letters of representation were referred to at the meeting and addressed by officers

**The Committee decided:** that planning application P/19/1829 by R Johnson for the erection of a wind turbine, up to a maximum blade tip height of 150 metres, with associated infrastructure including crane pad, access track and electrical housing at West Dykes Farm, C133 Waterhead Peelhill and Linbank Highway, Strathaven be refused for the reasons detailed in the Executive Director's report.

*[Reference: Minutes of 17 November 2015 (Paragraph 14)]*

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**8 Application P/19/0884 for Residential Development (21 Units) and Associated Works at Land at Bellfield Road, Coalburn**

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A report dated 3 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0884 by D Meikle for a residential development (21 units) and associated works at land at Bellfield Road, Coalburn.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.



### **The Committee decided:**

- (1) that planning application P/19/0884 by D Meikle for a residential development (21 units) and associated works at land at Bellfield Road, Coalburn be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council, the applicant and the site owners to ensure appropriate financial contributions were made towards:-
    - ◆ the provision of off-site affordable housing by way of a commuted sum
    - ◆ the provision of nursery, primary and secondary education accommodation as required to address the effect of the proposed development
    - ◆ investment in community assisted assets and for access improvements in the Coalburn area
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development should be refused on the basis that:-
  - ◆ it was contrary to the requirements of Policy 5 of the South Lanarkshire Local Development Plan as the works, which were required to ensure the educational/transport/community impacts of the development were addressed, could not be undertaken
  - ◆ it was contrary to the requirements of Policy 13 of the South Lanarkshire Local Development Plan as the contribution required to meet the affordable housing needs across South Lanarkshire would not be provided; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)]*

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### **9 Application P/20/0523 for Residential Development and Associated Roads, Footpaths, Open Space and Landscaping (37 Units) (Approval of Matters Specified in Conditions 1 a-i, 6, 24, 28, 29, 30 of Planning Permission in Principle EK/12/003) at Land 115 Metres Southeast of East Overton House, Glassford**

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A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0523 by Bancom Homes Limited and Paterson Partners for a residential development and associated roads, footpaths, open space and landscaping (37 units) (approval of matters specified in conditions 1 a-i, 6, 24, 28, 29, 30 of planning permission in principle EK/12/003) at land 115 metres southeast of East Overton House, Glassford.

**The Committee decided:**

that planning application P/20/0523 by Bancom Homes Limited and Paterson Partners for a residential development and associated roads, footpaths, open space and landscaping (37 units) (approval of matters specified in conditions 1 a-i, 6, 24, 28, 29, 30 of planning permission in principle EK/12/003) at land 115 metres southeast of East Overton House, Glassford be granted subject to the conditions specified in the Executive Director's report.

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**10 Application P/19/1105 for Demolition of Former School and Erection of 4 Townhouses and 8 Flats and Associated Car Parking at 142 Main Street, Carnwath, Lanark**

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A report dated 4 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1105 by MPV Limited for the demolition of a former school and erection of 4 townhouses and 8 flats and associated car parking at 142 Main Street, Carnwath, Lanark.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application P/19/1105 by MPV Limited for the demolition of a former school and erection of 4 townhouses and 8 flats and associated car parking at 142 Main Street, Carnwath, Lanark be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council, the applicant and the site owners to ensure appropriate financial contributions were made at appropriate times during the development towards leisure and recreation facilities
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

*[Reference: Minutes of 7 July 2015 (Paragraph 15)]*

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**11 Application P/18/1540 for Erection of 14 Wind Turbines (12 x 149.9 Metres Maximum Height to Tip and 2 x 180 Metres Height to Tip) with a Maximum Output of up to 50 Megawatts and Associated Infrastructure Including Substation, Control Building, Crane Hardstandings, Underground Cabling, Transformer Enclosures, Temporary Construction Compounds, Borrow Pits, Permanent Wind Monitoring Mast and New and Upgrading of Existing Access Tracks at Cumberhead Wind Farm, Stockbriggs from New Trows (c13) To Cumberhead, Lesmahagow, Lanark**

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A report dated 3 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1540 by Cumberhead Windfarm Energy Limited for the erection of 14 wind turbines (12 x 149.9 metres maximum height to tip and 2 x 180 metres height to tip) with a maximum output of up to 50 megawatts and associated infrastructure including substation, control building, crane hardstandings, underground cabling, transformer enclosures, temporary construction compounds, borrow pits, permanent wind monitoring mast and new and upgrading of existing access tracks at Cumberhead Wind Farm, Stockbriggs from New Trows (c13) to Cumberhead, Lesmahagow, Lanark.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application P/18/1540 by Cumberhead Windfarm Energy Limited for the erection of 14 wind turbines (12 x 149.9 metres maximum height to tip and 2 x 180 metres height to tip) with a maximum output of up to 50 megawatts and associated infrastructure including substation, control building, crane hardstandings, underground cabling, transformer enclosures, temporary construction compounds, borrow pits, permanent wind monitoring mast and new and upgrading of existing access tracks at Cumberhead Wind Farm, Stockbriggs from New Trows (c13) to Cumberhead, Lesmahagow, Lanark be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
    - ◆ community benefit contributions
    - ◆ funding of an independent Planning Monitoring Officer
    - ◆ the repair of any damage to roads and bridges arising from any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
  - ◆ the applicant meeting the Council's legal costs associated with the Legal Agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and

- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

*[Reference: Minutes of 7 July 2015 (Paragraph 15) and 9 February 2016 (Paragraph 4)]*

*Councillor Cooper left the meeting during consideration of this item of business*

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## **12 Application P/19/1636 for Erection of 10 Wind Turbines (149.9 Metres to Tip Height) and Associated Infrastructure Including Access Tracks, Cabling and Transformer Equipment at Broken Cross Open Cast Mine, Tower Road, Douglas, Lanark**

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A report dated 6 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1636 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment at Broken Cross Open Cast Mine, Tower Road, Douglas, Lanark.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

### **The Committee decided:**

- (1) that planning application P/19/1636 by Broken Cross Wind Farm Limited for the erection of 10 wind turbines (149.9 metres to tip height) and associated infrastructure including access tracks, cabling and transformer equipment at Broken Cross Open Cast Mine, Tower Road, Douglas, Lanark be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Legal Agreement and/or other appropriate mechanism between the Council and the applicant to ensure:-
    - ◆ community contributions per megawatt generated
    - ◆ the setting up of a Habitat Management Group
    - ◆ the repair of any damage to roads and bridges arising from any extraordinary wear and tear associated with the development and associated indemnity insurance requirements
  - ◆ the applicant meeting the Council's legal costs associated with the Legal Agreement and the restoration guarantee quantum
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which could be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Legal Agreement.

*[Reference: Minutes of 7 July 2015 (Paragraph 15) and 26 April 2016 (Paragraph 5)]*

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**13 Application P/20/0406 - Section 42 Application to Amend Condition 1 of Planning Consent CL/08/0613 for Erection of 6 Wind Turbines, Access Tracks and Ancillary Infrastructures at Muirhall Wind Farm, C37 From Harelaw Roundabout at A706 to A70 at Tarbrax, Auchengray, Lanark**

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A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0406 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2041, for the erection of 6 wind turbines, access tracks and ancillary infrastructures at Muirhall Wind Farm, C37 from Harelaw roundabout at A706 to A70 at Tarbrax, Auchengray, Lanark.

**The Committee decided:**

that planning application P/20/0406 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2041, for the erection of 6 wind turbines, access tracks and ancillary infrastructures at Muirhall Wind Farm, C37 from Harelaw roundabout at A706 to A70 at Tarbrax, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of 16 December 2008 (Paragraph 10)]*

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**14 Application P/20/0407 - Section 42 Application to Amend Condition 3 of Planning Consent CL/09/0279 for Formation of Access Road Associated with Consented Wind Farm and for Timber Extraction at Muirhall Wind Farm, C37 from Harelaw Roundabout A706 to A70 at Tarbrax, Auchengray, Lanark**

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A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0407 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 3 of planning consent CL/09/0279, to extend the time period of consent to 28 March 2041, for the formation of an access road associated with a consented wind farm and for timber extraction at Muirhall Wind Farm, C37 from Harelaw roundabout A706 to A70 at Tarbrax, Auchengray, Lanark.

**The Committee decided:**

that planning application P/20/0407 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 3 of planning consent CL/09/0279, to extend the time period of consent to 28 March 2041, for the formation of an access road associated with a consented wind farm and for timber extraction at Muirhall Wind Farm, C37 from Harelaw roundabout A706 to A70 at Tarbrax, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

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**15 Application P/20/0408 - Section 42 Application to Amend Condition 1 of Planning Consent CL/12/0496 for Construction of Sub-Station and Associated Ground Works at Muirhall Wind Farm, C203 from Woolfords to A70 Carnwath, Auchengray, Lanark**

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A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0408 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/12/0496, to extend the time period of consent to 28 March 2041, for the construction of a sub-station and associated ground works at Muirhall Wind Farm, C203 from Woolfords to A70 Carnwath, Auchengray, Lanark.

**The Committee decided:**

that planning application P/20/0408 by Muirhall Windfarm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/12/0496, to extend the time period of consent to 28 March 2041, for the construction of sub-station and associated ground works at Muirhall Wind Farm, C203 from Woolfords to A70 Carnwath, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

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**16 Application P/20/0409 - Section 42 Application to Amend Condition 1 of Planning Consent CL/08/0613 for Erection of 6 Wind Turbines, Access Tracks and Ancillary Infrastructure at Muirhall Wind Farm, C203 From Woolfords to A70 at Carnwath, Auchengray, Lanark**

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A report dated 31 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0409 by Muirhall Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2014, for the erection of 6 wind turbines, access tracks and ancillary infrastructure at Muirhall Wind Farm, C203 from Woolfords to A70 at Carnwath, Auchengray, Lanark.

**The Committee decided:**

that planning application P/20/0409 by Muirhall Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend Condition 1 of planning consent CL/08/0613, to extend the time period of consent to 28 March 2041, for the erection of 6 wind turbines, access tracks and ancillary infrastructure at Muirhall Wind Farm, C203 from Woolfords to A70 at Carnwath, Auchengray, Lanark be granted subject to the conditions specified in the Executive Director's report.

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**17 Application P/19/0614 for Erection of 25 Detached Houses and Associated Access Road, Drainage and Ground Works at Land 65 Metres Northeast of 291 Carlisle Road, Kirkmuirhill, Lanark**

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A report dated 30 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0614 by T C Stewart and Son for the erection of 25 detached houses and associated access road, drainage and ground works at land 65 metres northeast of 291 Carlisle Road, Lanark.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Legal Agreement. If approved, the application would be subject to a Legal Agreement and/or other appropriate mechanism and the approved procedure would apply.

**The Committee decided:**

- (1) that planning application P/19/0614 by T C Stewart and Son for the erection of 25 detached houses and associated access road, drainage and ground works at land 65 metres northeast of 291 Carlisle Road, Lanark be granted subject to:-
  - ◆ the conditions specified in the Executive Director's report
  - ◆ prior conclusion of a Legal Agreement and/or other appropriate agreement between the Council, the applicant and the site owners to ensure appropriate financial contributions were made towards improvement/upgrading of education, leisure and affordable housing provision in the area
  - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Agreement and/or other legal agreements
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Legal Agreement within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Legal Agreement had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

*[Reference: Minutes of 12 March 2012 (Paragraph 20) and 7 July 2015 (Paragraph 15)]*

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**18 Application P/19/1807 - Section 42 Application to Vary Condition 25 of Planning Consent CL/12/0511, Relating to the Formation of Fishing Ponds and Associated Facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark**

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A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/1807 by Onyx Leisure Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 relating to the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark.

A request for a hearing in respect of the application had been received, however, the application did not meet the criteria for a hearing.

The Committee heard Councillor Allison, a local member, on concerns raised by local residents in relation to the proposal.

There followed a full discussion on the application.

**The Committee decided:**

that consideration of planning application P/19/1807 by Onyx Leisure Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 25 of planning consent CL/12/0511 relating to the formation of fishing ponds and associated facilities at Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath, Lanark be continued to a future meeting of the Committee to allow for further information to be provided on issues raised by members in respect of the application, including roads issues.

*[Reference: Minutes of 16 April 2013 (Paragraph 12)]*

*Councillor Allison, having declared an interest in the application, made representations to the Committee as a local member, then withdrew from the meeting during consideration of the application*

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**19 Application P/20/0239 for Sub-division of Auchenheath House to form 4 Flats, Conversion of 2 Buildings to form 2 Detached Houses, Erection of 5 Detached Houses and Formation of New Roads, Passing Places and Parking Areas at Auchenheath House, Lanark Road, Auchenheath, Lanark**

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A report dated 13 August 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0239 by E Whittow for the sub-division of Auchenheath House to form 4 flats, conversion of 2 buildings to form 2 detached houses, erection of 5 detached houses and formation of new roads, passing places and parking areas at Auchenheath House, Lanark Road, Auchenheath, Lanark.

The application had been assessed against the relevant policies and criteria contained in the Adopted South Lanarkshire Local Development Plan and Supplementary Guidance, the Proposed South Lanarkshire Local Development Plan 2 and Government advice/policy. Details of the assessment were provided in the report. The development constituted Development Contrary to the Development Plan, however, it was not considered that the proposal was significantly contrary to the Development Plan.

In the view of the Executive Director (Community and Enterprise Resources), a departure from the Development Plan was justified in this case for the following reasons:-

- ◆ the new build development would enable the retention and restoration of listed buildings within the estate and their positive re-use for residential restoration
- ◆ the siting of the new house would not detract from the setting of the listed buildings nor the landscape character of the wider area
- ◆ the design of the houses would be of a high quality which would complement the character of the existing natural and built environment

**The Committee decided:**

that planning application P/20/0239 by E Whittow for the subdivision of Auchenheath House to form 4 flats, conversion of 2 buildings to form 2 detached houses, erection of 5 detached houses and formation of new roads, passing places and parking areas at Auchenheath House, Lanark Road, Auchenheath, Lanark be granted subject to the conditions specified in the Executive Director's report.

*[Reference: Minutes of the Clydesdale Area Committee of 3 November 2009 (Paragraph 10)]*



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**20 Application P/20/0758 for Change of Use from Open Amenity Ground (Sui Generis) to Residential Garden Ground (Class 9) and Erection of 0.9 Metres Timber Fence and Gate at Land 20 Metres East North East of 23 Couthally Terrace, Carnwath, Lanark**

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A report dated 30 July 2020 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/20/0758 by Mrs Reid and Mrs McClymont for the change of use from open amenity ground (sui generis) to residential garden ground (Class 9) and erection of 0.9 metres timber fence and gate at land 20 metres east north east of 23 Couthally Terrace, Carnwath, Lanark.

**The Committee decided:**

that planning application P/20/0758 by Mrs Reid and Mrs McClymont for the change of use from open amenity ground (sui generis) to residential garden ground (Class 9) and erection of 0.9 metres timber fence and gate at land 20 metres east north east of 23 Couthally Terrace, Carnwath, Lanark be granted subject to the conditions specified in the Executive Director's report.

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**21 Urgent Business**

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There were no items of urgent business.



# Report

3

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/0816
Planning proposal:	Change of use of land from agriculture to Class 6 (Storage or Distribution), installation of modular office building, erection of vehicle washing bay and creation of hardstanding area (in retrospect)

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	JHP Transport Lanark LTD
Location:	Townhead Farm Ponfeigh Road Sandilands Lanark ML11 9UA

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Refuse planning permission for the reasons stated; and
- (2) Authorise Enforcement Action to be taken to require all operations to cease and the return of the site to an agricultural use.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ♦ Applicant's Agent: David Graham
- ♦ Council Area/Ward: 04 Clydesdale South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 1 Spatial Strategy  
Policy 3 Green belt and rural area  
Policy 4 Development management and placemaking  
Policy 7 Employment  
Policy 11: Economic Development and Regeneration  
Policy 16: Travel and Transport

### Supplementary Guidance

Green Belt and Rural Area  
Development Management, Place Making and  
Design

**Proposed South Lanarkshire Local  
Development Plan 2**

Policy 1 Spatial Strategy

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and  
Placemaking

Policy 8 Employment

Policy GBRA1 Rural Design and Development

Policy GBRA2 Business Proposals within Green  
Belt and Rural Area

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

West of Scotland Archaeology Service

Environmental Services

Roads Flood Risk Management

Roads Development Management Team

SEPA West Region

Coal Authority Planning Local Authority Liaison Dept

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site relates to land at Townhead Farm located on the edge of the small settlement of Ponfeigh in the Douglas Valley. The village of Rigside is located approximately 500m to the south of the site on the opposite side of the A70. The application site previously formed part of a farm business that was purchased by the applicant in 2016 along with a small farm house with attached outbuilding and approximately 24 acres of arable land. The farm house and outbuilding are outwith the application site and form part of the original farm steading. The remainder of the traditional U shaped farm steading was converted into 5 residential units approximately 10 years ago; these properties are currently being rented out by a third party owner and, as a result, the applicant has no control over them. In addition to these 5 residential units, are a detached modern house sited directly opposite the site entrance and a small traditional cottage approximately 50m north east of the application site.
- 1.2 The application site is approximately 1.90 hectares in area. The site comprises 3 agricultural style, metal sheds, an area for refrigerated units, a vehicle wash bay including 1.8m high, timber screening fence, 2 storey, modular office block and an extensive area of gravelled/ hardstanding to provide lorry parking and staff parking. The site is relatively flat but does drop away steeply on the south and west boundaries resulting in the site being viewed as on a plateau from the west and south including the village of Rigside.
- 1.3 The application site is located on land designated as rural within the approved South Lanarkshire Local Development Plan 2015 (SLLDP).

### **2 Proposal(s)**

- 2.1 The applicant has applied, in retrospect, for the change of use of the former agricultural yard to form storage and distribution yard. Other works that are the subject of the application are the formation of additional hardstanding, the installation of portable office buildings and formation of a wash bay area.
- 2.2 The site is accessed directly from the public road (Ponfeigh Road), utilising an access that was in place for the previous farm use. All vehicles enter and exit the site from this access. The proposals involve the operation of the site on a 24 hour basis 7 days a week. The applicant has advised the company currently employs 124 people (there are also 6 vacancies), 83 of whom live in South Lanarkshire. Whilst Class 6 Storage or Distribution does not specify any sub groups of distribution or storage, in this instance the operations include the transportation and storage of refrigerated food.
- 2.3 In support of their application, the applicant advises that, JHP Transport is Scotland's largest independent chilled food haulage operator. The relocated to the application because the yard had operated since 2008 as a licensed HGV Operating Centre. Some 8 years earlier, the yard had been formed by LAW Mining as a site compound for the offices, coal distribution centre, and as a base for the secure storage of the heavy earth moving machinery associated with the opencast mining operation at Townhead Farm. Over its period of operation, each year some 100,000 tonnes of coal and fireclay passed through the yard at Townhead Farm and was transported to markets via Ponfeigh Road. They have also highlighted other licensed HGV operations throughout the Council's area many without planning permission and therefore the alleged unauthorised nature of the use of land at Townhead Farm is by no means unique. Finally the company has continued operate throughout the Covid-19 pandemic to supply food across the country.

### **3 Background**

#### **3.1 National Policy**

3.1.1 The Scottish Planning Policy (SPP) document (2014) states that the planning system should set out a vision for vibrant rural, coastal and island areas, with growing sustainable communities supported by new opportunities for employment and education. The planning system should:-

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural and the challenges it faces;
- Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality;
- Promote economic activity and diversification including sustainable developments linked to for example tourism and farm diversification while ensuring the distinctive character of the area is protected and enhanced;
- Allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- Give due weight to net economic benefit of proposed developments.

3.1.2 The SPP also states that plans should align with relevant local economic strategies to help planning authorities to meet the needs and opportunities of indigenous firms and inward investors.

#### **3.2 Development Plan**

3.2.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined, in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

3.2.2 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This strategic plan sets a vision of making the GCVSDP region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The GCVSDP is a strategic document and does not have specific policies related to the proposals. Therefore there is no further assessment of the application against the GCVDP within Section 6 below.

3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:-

- Policy 1: Spatial Strategy
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 5: Community infrastructure assessment
- Policy 7: Employment
- Policy 11: Economic Development and Regeneration
- Policy 16: Travel and Transport

3.2.4 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:-

- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.5 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by the Council they are nevertheless a material consideration. In this instance, the following policies are relevant:

#### Volume 1

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 8 Employment
- ◆ Policy 15 Travel and Transport

#### Volume 2

- ◆ DM1 New Development Design
- ◆ GBRA1 Rural Design and Development
- ◆ GBRA2 Business Proposals within Green Belt and Rural Area

3.2.6 It should be noted that, LDP2 is only referenced should there be a specific conflict between a proposed policy and a policy within the approved SLLDP 2015.

### **3.3 Planning Background**

3.3.1 The applicant is an established haulage business that was previously based in Shotts which relocated to this site in 2016 following the purchase of Townhead Farm. The applicant has stated that at the time of purchase and establishment of the change of use that they did not consider that planning permission was required as the land was previously used for storing agricultural vehicles and equipment. Whilst the site was used for the storage of agricultural machinery that also included an element of plant hire, this use related to an existing farm business and was, therefore, an ancillary operation associated with an established agricultural unit and is a significantly different use from that currently operating on site. The applicant did not seek advice from the Planning service regarding the status of the site nor in relation to locating a haulage business on the land prior to purchasing the site and establishing the haulage business there.

3.3.2 In October 2016, the service received a complaint about the use of the site by the applicants. At that point the company employed around 30 employees. The operator was advised that the proposals constituted a material change of use and that planning permission for the operations on site were required. Following this advice a planning application for the change of use of the site, formation of hardstanding and the installation of the modular office building was submitted in March 2017. This application did not include all the required information to allow validation. This

information was subsequently received and allowed the application to be validated only in September 2017 (Planning Ref: CL/17/0400). The application site extended to 1.65 hectares at this point.

- 3.3.3 A report on this original application was included on the agenda for the Planning Committee on 6 November 2018. It concluded that, the proposed use was not an acceptable permanent form of development for the site, due to the adverse impact on road safety and residential amenity. Overall, it was considered that the economic benefit in terms of local employment opportunities did not outweigh the adverse impact this development is having on its surroundings. The Committee report recommended that planning permission be granted for a temporary period of one year to allow the operator to explore suitable alternative sites. Following publication of this report, the applicant withdrew it prior to it being presented to the Committee.
- 3.3.4 Following the withdrawal of this application and due to the unauthorised nature of the development and the adverse effect its continuation would have on residential amenity and road safety an enforcement notice was subsequently served on 22 November 2018. The notice required the use of the site as a haulage yard to cease and for the associated wash bay and portable buildings used as office accommodation to be removed from site. Whilst the notice took effect on 24 December 2018 it did allow for a period of 12 months to comply. Following a further meeting with Council officers in November 2018 the notice was withdrawn after the operator gave an undertaking to address the outstanding concerns in a new application.
- 3.3.5 Following the withdrawal of the enforcement notice, the current application was submitted attempting to address the issues raised within the previous application. It should be noted that, as well as continuing to run the haulage operations from the site, without planning permission, the extent of the application site has been enlarged to 1.90 ha as the applicant, again without planning permission have been received, increasing the hardstanding area by a further 0.25 hectares and now with 140 employees.

#### **4 Consultation(s)**

- 4.1 **SEPA** – originally objected to the proposals on the grounds of lack of information in relation to the drainage of the site including ensuring surface water drainage wasn't contaminated with oils and washing chemicals. Following additional information regarding the drainage arrangements, including interception of potential contaminants, SEPA removed their objection and had no further comments to make in relation to the planning application other than providing the applicant with a reminder of other regulatory regimes they would need to adhere to outwith the planning system.  
**Response:** Noted.
- 4.2 **West of Scotland Archaeology Service (WOSAS)** – note that the application is in retrospect and that this and the previous development relating to the farm would render the application site to be of little archaeological value. As such no archaeological investigation is proposed.  
**Response:** Noted.
- 4.3 **The Coal Authority** – originally objected on the grounds of lack of information. Following the submission of a Coal Mining Risk Assessment the Coal Authority have withdrawn their objection and offer no further comments on the site.  
**Response:** Noted.



- 4.4 **Roads and Transportation Services (Flood Risk Management)** – no objections to the proposals.

**Response:** Noted.

- 4.5 **Roads and Transportation Services (Development Management)** – A Transport Statement (TS) was undertaken which considered the volume of HGV traffic using Ponfeigh Road. The TS highlighted that there were on average 95 two way HGV vehicle movements to and from the site over a 24 hour period. It also confirmed there are sections of Ponfeigh Road that are not wide enough to accommodate two way traffic and proposals were submitted to demonstrate that the carriageway could be widened over these sections. The road widening details are satisfactory.

Ponfeigh Road is rural in nature and it is evident from site visits that its construction is not suitable for the current volume of HGV trips. With this in mind, Roads recommend that Ponfeigh Road be strengthened from the site access to the A70. Without these measures, the road will continue to deteriorate which will result in a considerable cost to the Council. In addition routine maintenance costs have been increasing on this stretch of carriageway since 2016 and reimbursement of those costs is being pursued separately.

The cost to strengthen and widen Ponfeigh Road which takes cognisance of the routine resurfacing costs that would be incurred should this remain a rural road with low traffic volumes has been estimated as follows;

- widening works £126,000,
- strengthening works £235,000
- routine cost to resurface (rather than reconstruct) £36,000.

Roads and Transportation Services would therefore recommend that the applicant contribute a sum of  $£126,000 + 235,000 - £36,000 = £325,000$ .

It should be noted that, due to the level of extraordinary damage caused by the applicant, Roads and Transportation Services are seeking costs from the applicant. To assist the applicant, it would be satisfactory to stagger the contribution over a 3 year period.

Should the applicant agree to the above, Roads and Transportation Services would have no objections to the retrospective planning application.

**Response:** - Noted. The detrimental impact of the HGV use of the public road is significant and the damage is easily evidenced when visiting the site. To date, the applicant has not agreed to the required financial contributions for the road strengthening works. Therefore, in its current state and without any agreement to strengthen the road, the road is unsuitable for this retrospective development and is therefore considered to be detrimental to Road Safety.

- 4.6 **Environmental Services**– A Noise Impact Assessment (NIA) was submitted by consultants appointed by the applicant as part of the planning submission. As part of their consideration of the previous planning application, Environmental Services had carried out a series of independent measurements at night time and observations made on how the site was operated. Movements within the external yard including manoeuvring and reversing beepers were not considered particularly intrusive. However, noise from vehicles passing nearby housing was found to be above the recommended level that would prevent sleep disturbance even with windows closed.

It was therefore concluded that noise levels regularly breach BS 4142:2014 and BS 8233:2014 and World Health Organisation Guidelines. Environmental Services advised that activity between 0700 and 2300 is not a concern in terms of noise generation. However, noise intrusion as a result of vehicle movements and activities associated with the use of the site as a haulage yard would likely be beyond limits reasonably tolerable to residents within the vicinity of the site between 2300 and 0700 (night time).

The NIA submitted as part of this planning application concurred with Environmental Services that the noise levels at night time would be above tolerable levels as set out by the World Health Organisation. The NIA suggested that a weighted sound reduction could achieve tolerable levels. In this instance the sound reduction would be through the provision of improved glazing at the affected private dwelling houses.

The installation of strengthened glazing in the affected properties has been explored as a means of addressing the adverse effects. However the properties are not in the control of the applicant and therefore the use of a condition to ensure the windows are installed is not enforceable by the Council under planning legislation. There is, as a result, no guarantee the windows would be provided. In any event, the residents would still be unable to open their windows during warm weather.

Environmental Services therefore object to the proposals due to the high level of night time noise created by HGVs which is above tolerable limits and that no appropriate mitigation has been proposed to limit this night time noise.

**Response:** The comprehensive assessment of the impact of the proposed use on residential amenity clearly concludes that there would be a significant adverse impact for local residents as a result of activity during the night particularly due to vehicle movements to and from the site. This view is indeed reinforced by the outcome the applicants own NIA. This is a key consideration in determining the application and is discussed in more detail in section 6 of the report.

## **5 Representation(s)**

- 5.1 Statutory Neighbour notification was carried out by the Council on 2 July 2019. The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours, the nature and scale of development (Schedule 3) and development contrary to the development plan in the Lanark Gazette on 10 July 2019.
- 5.2 No representations have been made in relation to this application.

## **6 Assessment and Conclusions**

- 6.1 The applicant seeks retrospective detailed planning permission for the change of use of an agricultural yard to form a storage and distribution yard together with the formation of additional hardstanding, the installation of portable office buildings and formation of a wash bay area at Townhead Farm near Ponfeigh. The determining matters which need to be taken into account in assessing this application are the proposal's compliance with national and local planning policy, as well as the transportation implications and impact on residential amenity.
- 6.2 Section 33 of the Town and Country Planning (Scotland) Act 1997 allows a Planning Authority, should they be minded, to grant planning permission to a development including development that has already been carried out (i.e. in retrospect). Therefore, the retrospective nature of this application does not prohibit the Council, as Planning Authority, to carry out a detailed assessment of the planning application as required

under Section 25 of the Town and Country Planning Act 1997. Due to the retrospective nature of the application, if it is unsuccessful the Council may be required to seek enforcement action to remedy the situation should an applicant not immediately cease operations.

- 6.3 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. It should be noted that LDP2 is only referenced should there be a specific conflict between a proposed policy and a policy within the approved SLLDP 2015.
- 6.4 Scottish Planning Policy (SPP) advises that the planning system is about where development should happen, where it should not and how it would interact with its surroundings. Proposals should, inter alia, take a positive approach to sustainable and high-quality development and make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources and the wider environment. SPP also emphasises the importance of the plan-led approach to development and that the planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of that particular area, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. The plan led system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; promote economic activity and diversification including sustainable developments linked to for example tourism and farm diversification while ensuring the distinctive character of the area is protected and enhanced; allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area; and give due weight to net economic benefit of proposed developments.
- 6.5 In its 'Policy Principles', SPP also introduces 'a presumption in favour of development that contributes to sustainable development'. In support of this presumption, SPP states that the planning system should support economically, environmentally and social sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.' Further to this, SPP states that in regard to Development Management, this 'presumption in favour of sustainable development' does not change the statutory status of the development plan as the starting point for decision making and that where proposals that do not accord with the up-to-date development plans, the primacy of the plan is maintained and this SPP and the 'presumption in favour of development that contributes to sustainable development will be material considerations'.
- 6.6 In addressing this policy issue the adopted South Lanarkshire Local Development Plan has identified sufficient land for employment use in a range of locations to meet the needs of employment generation and businesses across the Council area. The application site is not located within a strategic economic location or in any of the allocated sites within South Lanarkshire. This includes the nearby Poniel Strategic Economic Investment Location which benefits from a planning permission for a wide

range of uses include storage and distribution. The application site is not located within an area as identified for Employment within the SLLDP. In addition, the application site is not in a sustainable location and relies exclusively on private transport links. The site involves the redevelopment of a farm yard which would lend some merit to the sustainability of the development but this would be negated by the extensive areas of new hardstanding and new buildings on site that were required for the business. Nevertheless, the business that is the subject of this application is an important local employer in an area that is subject to high unemployment and deprivation and this is a key material consideration in determining the application.

- 6.7 Turning to the adopted South Lanarkshire Local Development Plan, there are a number of policies which require to be taken into account. Policy 1 - Spatial Strategy sets out the Council's priorities in terms of development in South Lanarkshire and states that the Council will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy. The site is located in a quiet rural location off a road network not suitable for the scale and frequency of traffic generated by the proposed development. The site is located some 4.5km from the closest major road network connection onto the M74 just south of Happenden Services on the B7078 while there are employment sites allocated in the adopted Local Development Plan along this section of the M74 strategically positioned to meet the requirements of sustainable economic growth for this type of development.
- 6.8 Policy 7 - Employment states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use areas. The Council in line with this policy has identified locations with a range and choice of employment uses across South Lanarkshire. There is an extensive choice of available sites more suitable for the proposed business within South Lanarkshire with one in particular at Poniel only being 6km from the application site and strategically located close to the M74. Policy 11: Economic Development and Regeneration supports development that maximise economic development and regeneration particularly through implementation of the policies in the plan and the proposals listed in Appendix 3 (in this case Strategic Economic Investment Locations which includes Poniel). Priority will be given to development proposals that deliver physical and community regeneration and positively contribute to the local economy. The application site is not listed in Appendix 3 nor is allocated for industrial or employment use and it therefore starts from a weak position in being considered whether it is suitable for development of this scale and nature. The proposals would not bring about physical community regeneration however the local economy does benefit due to the employment that has been generated.
- 6.9 Following on from the above in terms of land use the site is identified in the adopted Local Development Plan as lying within the Rural Area where Policy 3 - Green Belt and Rural Area applies. This policy states that the Green Belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Guidance on appropriate uses in the rural area is contained in the Green Belt and Rural Area Supplementary Guidance (GBRASG). While this can include low impact business uses linked to agricultural activity or low amenity light industry it does not include storage and distribution uses of the scale of the proposal under consideration. Policy 3 then goes on to state that development which does not require to locate in the countryside will be expected to be accommodated within areas identified on the proposals map, other than in the following circumstances;

- i. Where it is demonstrated that there is a specific locational requirement and established need for a proposal.
- ii. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
- iii. The proposal is for conversion of traditional buildings and those of a local vernacular.
- iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.
- v. The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.

- 6.10 In this instance, it is considered that the planning submission has not demonstrated that there is a specific locational need to operate from this site, nor can the site be classified as derelict or redundant at the time the new use was implemented. The site, whilst unoccupied for a short period prior to being purchased by the applicant, is not considered to be derelict or redundant land and still had potential to form part of an agricultural unit or other agricultural related business. It is also considered that the scale of the works involved in creating and then subsequently expanding the haulage operations are of scale that are not in keeping with the surrounding area. The additional hardstanding, erection of sheds, modular office block and wash bay are considered to be out of scale with the original area of hardstanding that the operations occupied. This level of expansion and the development required to operate at the current level could not be considered to be sympathetic to the character of the site or surrounding area.
- 6.11 Overall, it is considered that there is a ready supply of suitable sites within the immediate area which would negate any argument regarding a lack of supply in relation to the current site and that it is therefore hard to demonstrate a proven need for this location. The applicant has stated that the alternative sites identified by the Council noted above are not readily accessible by public transport which may not allow employees to travel there. It is considered that due to the pattern of shifts over 24 hours at the current operations and the level of staff vehicle evidenced at the site, it is unlikely that the current site would be any easier to travel to by public transport. It is also not unusual for employers of the scale of the applicant to provide alternative transport from nearby settlements for their staff, although this has not been explored by the applicant.
- 6.12 It can therefore be concluded the proposed development does not accord with the spatial strategy set out in the adopted LDP nor with policy or supplementary guidance on development in the rural area. It also fails to fully meet the requirements on policy on employment and regeneration. The applicants business does however employ over 100 people and therefore positively contributes to the local economy and this is a key issue in assessing the application. As noted earlier economic development is at the heart of SPP and SLLDP Policy 11 re-emphasises the importance of economic development but, in line with SPP, only if it is the right development in the right place. It is considered that the local economy does benefit due to the employment that has been generated however it cannot tangibly be demonstrated that apart from this employment that the operations bring about physical, community regeneration. It is also hard to argue that there are more suitable, designated sites within the locale that the applicant could have relocated to rather than pushing ahead with expansion of the current site.

- 6.13 Following on from assessing the principle of the development it is appropriate to consider the detail of the proposals. Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.14 The application site is flat and sits at the same topographical level as the adjacent dwellinghouses. The land does, however, slope steeply down on the land surrounding the south and western boundaries of the site. This slope creates a plateau effect placing the site atop an open aspect. Views from Rigside are, therefore, very open. The haulage operations include lorry trailer parking on the south west portion of the site which are visible from Rigside. The commercial nature of the trailers immediately identify the site as a commercial operation as opposed to agricultural operations. The main shed on site has been painted a vivid red which also creates visual intrusion upon the open landscape. The wash bay on the southern boundary of the site has a 1.8m high timber fence screening the bay from view. The muted timber does soften the visual impact of the screen fence but again it looks incongruous within the open landscape. It is noted that, the planning submission does reference potential screen planting and it is considered that this could lessen the site's visual impact upon the landscape. Without further details of the planting it is difficult to assess how positive an impact it could have in terms of visual screening. Firstly, the steepness of the land outside the application boundary may limit the quantity and depth of any planting belt on the boundary. Secondly the aspect of the area is that of an open landscape and the addition of planting, if not carefully thought out, may result in planting that looks unnatural within the landscape further drawing the eye to the visual clutter associated with the proposals. Whilst not referenced within the planning submission, it is considered that if the sheds were painted in a muted, recessive tone (brown or green) this may soften their visual impact. Although as noted this has not been provided as a form of visual mitigation within the planning submission. It is therefore considered that the proposals are of a scale and nature that do not fit well into the context of the surrounding area.
- 6.15 The proposals are for the 24 hour operation of a large haulage yard over 7 days a week. A noise impact assessment has been carried out on behalf of the applicant and submitted as part of the planning submission. The noise impact assessment carried monitoring of noise levels at the neighbouring dwellings that front Ponfeigh Road, both during the day (7am to 11pm) and at night time (11pm to 7am). The day time noise levels of the site operations including the HGV traffic passing the neighbouring properties were within acceptable levels. It was noted, however, that the noise levels within the neighbouring properties were at unacceptable levels during night times as HGVs were passing them, to and from the site. Environmental Services have also carried out their own noise monitoring and agree with the findings of the noise impact assessment that the internal noise levels to the properties are at an unacceptable level during night time which have the potential to seriously disturb sleep patterns of residents. The noise impact assessment considers that noise mitigation could reduce night time noise levels to an acceptable standard. The mitigation proposed would be for new, upgraded glazing to be installed at the neighbouring properties and the applicants have offered to install this. Environmental Services do agree that acoustic glazing would reduce noise levels to tolerable levels during the night time period but only if the windows remain closed. However they advise this is not acceptable during warm weather when it is expected windows would be open during the night. In any event, without the agreement of the property owners, a condition requiring the installation would not be enforceable.

- 6.16 As a result the applicant has not been able to mitigate against the unacceptable night time noise levels the HGV operations create. They have been asked to explore a new haulage road to be built from the site's eastern boundary to join Ponfeigh Road further up, nearer to the A70 junction. A new haulage road would effectively allow HGV traffic to bypass the noise sensitive properties at a distance that would ensure noise levels would be at an acceptable level. Environmental Services agree that this would negate any noise issues received by the neighbouring receptors. The applicant has stated that he would not investigate a haul road due to issues of cost and land ownership.
- 6.17 As a result Environmental Services are unable to recommend that the permanent use of the site for a haulage business on a continuous 24 hour basis would be acceptable in its present form. It is therefore concluded that the scale and nature of the proposed use is at odds with the local context. The level of activity associated with the 24 hour operation of this site and in particular the noise associated with this activity is considered to have a significant adverse impact on the part of the local community most directly affected by the proposal
- 6.18 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads. Policy 16 further states that new development proposals must consider, and where appropriate, mitigate the resulting impacts of traffic growth, particularly development related traffic, and have regard to the need to reduce the effects of greenhouse gas emissions and at the same time, support and facilitate economic recovery, regeneration and sustainable growth. A Transportation Statement (TS) has been submitted as part of the planning application. Transportation Services have reviewed the TS as well as carrying out visual surveys of Ponfeigh Road. They have also held discussions with the applicant and their traffic consultants.
- 6.19 Transportation Services have advised that since the company started operating from the site there has been an adverse impact on the road network (Ponfeigh Road) due to the unsuitability and dimensions of the existing carriageway to consistently accommodate the types and numbers of vehicle associated with the proposals. They have made several recommendations for the improvements required on Ponfeigh Road in order for the proposals to be considered acceptable based on the current level of HGV use. These include rebuilding the road at its junction with the access into the site, reinforcing the road verge opposite the site entrance and making contributions towards strengthening repairs along the public road up to its junction with the A70. If these works are not carried out there is a concern that this section of road may collapse in the near future.
- 6.20 The level of works required and costs have been shared with the applicant. Currently, the applicant has not agreed to carry out or pay for the works which are considered to solely be required or attribute to the haulage operations. As noted earlier the works to the structure of Ponfeigh Road at the access could be negated should the applicant investigate a haulage road that would bypass this section of the public road network. Therefore, without the required works being carried out the proposals are contrary to Policy 16 on the grounds of road safety. It is also noted that, separate to this planning application, the Council, as Roads Authority has initiated action to pursue the recovery of extraordinary expenses relating to the maintenance of Ponfeigh Road covering the period 13 July 2015 to 16 June 2020. Maintenance costs for this period have increased because of the traffic levels that have been generated in connection with the application site using Ponfeigh Road.

- 6.21 Drawing all of the above together the proposal involves the creation of a storage and distribution use within the rural area. In overall land use terms, the proposals do not accord with policy on development in the rural area, as the use is not considered one that is appropriate in the countryside nor is the site in a sustainable location. In addition the adopted SLLDP allocates a generous supply of employment land across the Council area and this includes the Poniel investment site very close to the application site and where there is an extant planning permission for this type of intensive use. The proposals do not accord with the development plan nor with the principles set out in SPP
- 6.22 Equally, the applicant has successfully expanded the operations of the company since relocating to the site and currently employs over 124 people. This is a significant number in the context of the site's location within the Douglas Valley where the unemployment rate and deprivation index is high. Consideration has, therefore, been given to whether the continuation of the use at this location is, or can be made, acceptable in planning terms. As detailed elsewhere Environmental Services have advised after a thorough examination of the impact of the development on noise receptors that they are unable to recommend the use of the site as a permanent 24 hour operation in its present form. They have stated that between 23:00hrs and 07:00hrs noise intrusion from passing site-specific vehicles is likely to be beyond tolerable to residents living adjacent to the development. The transport assessment submitted by the applicant states that on average there would be 20 HGV movements past the residential properties adjacent the site between these critical hours which have the potential to seriously disturb sleep patterns of residents. Mitigation which would require windows to be kept shut throughout the year is unreasonable. The applicant has stated they are not willing to agree to a restriction on the hours of operation.
- 6.23 The design of the buildings are functional and are not in keeping with the surrounding area. The buildings are located on an open and elevated site within a broad landscape and therefore create a detrimental visual impact within the area. Due to the steep drop of the boundary of the site any proposed screening may be difficult to plant to be effective and the vivid red colour of the main shed building further enhances the visual impact of the site. It is considered that a muted colour for the shed and planting may help soften the site's visual appearance but no detailed proposals have been put forward and whilst the site has been operating for several years no attempt at screening has previously occurred whilst further unauthorised development and enlargement of the site was carried out while negotiations about the means to mitigate the impact of the use were still ongoing.
- 6.24 The other key issue is the unsuitable construction and dimensions of Ponfeigh Road which is showing increasing signs of wear and tear over the period the applicants have been operating from the site. Damage to the verges and road surface is evident due to heavy and wide vehicles using the road on a regular basis. In normal circumstances, if all other things were acceptable, the upgrading of Ponfeigh Road could be controlled with the imposition of conditions to have improvements carried out to the existing road to make it fit for purpose. However the applicant does not accept the business is responsible for this damage and so measures to remedy and improve the situation have not been explored or fully assessed.
- 6.25 Based on the detailed assessment above, it has been concluded that the proposed use of the site is not an acceptable form of development for the site and is, therefore, contrary to the development plan. In assessing whether a departure from the adopted South Lanarkshire Local Plan can be justified, weight has been given to the economic benefit of the business at this location, the negative impact on the rural nature of the



site and area, the disturbance to the residential amenity of the adjacent houses and impact on the local road network. Overall, it is considered the economic benefit in terms of local employment opportunities does not overcome the impact this development has on its surroundings. In view of the above a justification for a departure from planning policy has not been demonstrated and the granting of planning permission is not appropriate. The Council has attempted to explore solutions to remedy the existing on site issues (ie the formation of a new access road) and identify alternative sites for the business but they have been rejected by the applicant.

- 6.26 The applicant has pointed out that there are examples of HGV operations being carried out elsewhere within the rural area. In response, a number of these activities either benefit from planning permission or are lawful in planning terms due to the length of time they have been operating. In addition, in the vast majority of cases, they are not of the same scale or nature as these proposals and/or do not have a close relationship with existing properties as is the case here. Where it is determined that those companies are unauthorised investigation will be carried out to review the situation on the merits of each individual case.
- 6.27 In conclusion, it is, therefore, considered that the application cannot be supported and following the detailed assessment set out in section 6 above the application is recommended for refusal. As noted, given the application is in retrospect, the recommendation of refusal is therefore also accompanied by the request to the Planning Committee for Enforcement Action to be taken to ensure the timeous cessation of operations at the site and return the site back to agricultural use. It is considered that an appropriate time period for this would be from 3 months from the date of any Enforcement Notice if agreed.

## **7 Reasons for Decision**

- 7.1 The operation of the site is considered to be unsuitable within its rural location and has a significantly adverse impact upon existing residential amenity and road safety within the immediate area and no appropriate mitigation has been submitted to minimise these impacts. The principle of the use of the site is not of an appropriate scale that is suitable at this location and the design and materials used are not considered to minimise the proposals visual impact. The proposals therefore do not comply with 1, 3, 4, 7, 11, and 16 of the South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020

### **Previous references**

- ◆ CL/17/0400

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 2 July 2019

► Consultations	
West of Scotland Archaeology Service	04.07.2019
Environmental Services	
Roads Flood Risk Management	16.09.2019
Roads Development Management Team	03.09.2020
SEPA West Region	10.07.2019
Coal Authority Planning Local Authority Liaison Dept	03.10.2019

### **Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

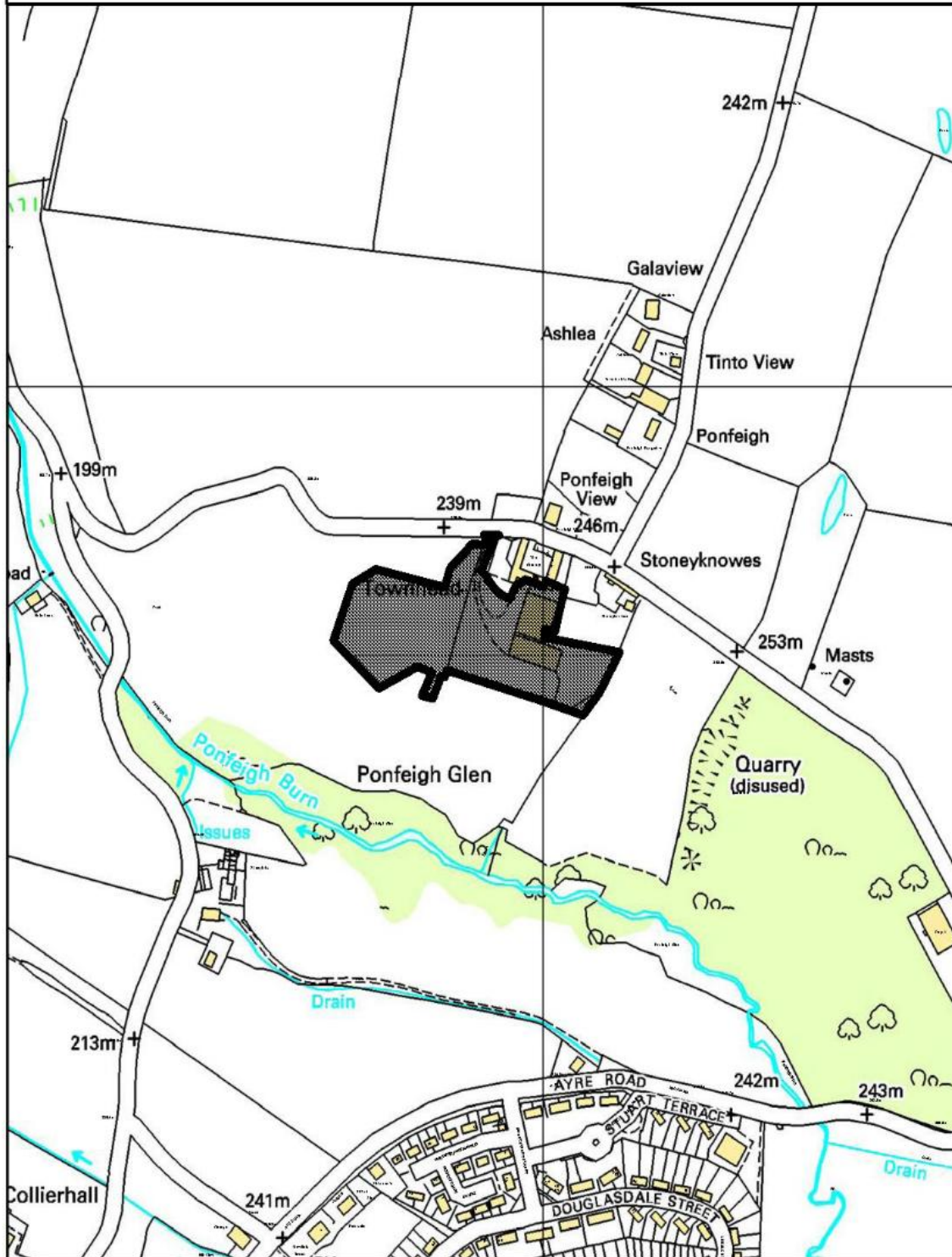
Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### **Reasons for refusal**

01. The application site lies within the Rural Area and is not on land designated for Employment. The proposal is therefore contrary to SPP (2014) and Policies 1, 3, 7 and 11 of the approved South Lanarkshire Local Development Plan (2015), Policy GBRA1 of Supplementary Guidance 2: Green Belt and Rural Area, and Policies 1, 4, 8 and GBRA2 of the proposed Local Development Plan2 (2020).
02. The proposal, by nature of its 24 hour operations, would have an adverse impact upon existing residential amenity within the immediate area is therefore contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan (2015), Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies 4, 5 and GBRA2 of the Proposed South Lanarkshire Local Development Plan 2 (2020).
03. The proposal by nature of its location and use would have an unacceptable and detrimental impact upon the public road network and is therefore contrary to Policy 16 of the Adopted South Lanarkshire Local Development Plan (2015) and Policy 15 of the Proposed South Lanarkshire Local Development Plan 2 (2020).
04. The proposal, by nature of its location, colour and lack of landscaping, would have an unacceptable visual impact within the surrounding landscape and as such is therefore contrary to Policies 3 and 4 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 4 and 5 of the Proposed South Lanarkshire Local Development Plan 2 (2020).

P/19/0816

Townhead Farm, Ponfeigh Road, Sandilands



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Scale:  
1:5,000  
Date:  
27/08/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

4

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/0983
Planning proposal:	Erection of single storey extension to dwellinghouse to form a 'granny annex'

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	Mr James Beek
Location:	7 Douglas Drive Cambuslang G72 8NG

## 2. Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3. Other information

- ◆ Applicant's Agent: Stuart Sandilands
- ◆ Council Area/Ward: 13 Cambuslang West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**  
Policy 4 - Development management and placemaking  
Policy 6 - General urban area/settlements  
  
**Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM1 – Design  
Policy DM2 – House extensions and alterations  
Policy DM5 - Extended family accommodation

**Proposed South Lanarkshire Local  
Development Plan 2 (2018)**

Policy 3 - General Urban Areas and Settlements

Policy 5 - Development Management and  
Placemaking

Policy DM1 - New Development Design

Policy DM2 - House Extensions and Alterations

Policy DM5 - Extended Family Accommodation

◆ **Representation(s):**

▶	53	Objection Letters including a petition containing 45 signatures
▶	1	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

West of Scotland Archaeology Service

SEPA

Roads Flood Risk Management

Scottish Water

Cambuslang Community Council

## **Planning Application Report**

### **1. Application Site**

- 1.1 The application relates to a two storey, semi-detached, sandstone dwellinghouse set within extensive garden grounds at 7 Douglas Drive, Cambuslang. The property, which extends to approximately 1150 square metres in area, is located within an established residential area.
- 1.2 The application site is bounded to the north and south by residential properties, to the east by Douglas Drive with residential properties located opposite and to the west by West Coats Road with residential properties located opposite. Vehicular and pedestrian access to the property is taken from Douglas Drive. It is noted that, access can also be taken from West Coats Road to the rear garden area of the property, however this access does not appear to be in regular use.

### **2. Proposal(s)**

- 2.1 The applicant proposes to erect a single storey extension to the side and rear of the dwellinghouse, comprising additional living accommodation associated with the dwelling and a granny annex. The total floor area of the proposed extension would be 148 square metres, with 30 square metres of the extension comprising an extended kitchen associated with the main dwellinghouse and the remainder comprising the proposed granny flat. The proposed granny flat would comprise a bedroom, a small dressing area, a kitchen and living area, as well as bathroom facilities. The proposed extension would be finished in cement render with a mock stone block pattern and a slate roof to match the existing dwellinghouse.
- 2.2 The applicants have provided supporting information advising that the proposed granny flat would be occupied by the parents of one of the occupants of the property. Additional medical justification demonstrating the need for the accommodation to be provided on site has also been provided.

### **3. Background**

#### **3.1 Local Plan Status**

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site falls within the general urban area as defined by Policy 6. Policy 4 – Development Management and Placemaking is also of relevance to the proposal. In addition, the guidance contained within the associated supplementary guidance document relating to development management, placemaking and design is of relevance to the proposed development.
- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration.

### 3.2 **Planning Background**

- 3.2.1 Planning consent was sought in November 2007, to sub-divide the garden ground of the property and erect a two storey dwellinghouse (Planning Ref: CR/07/0387). However, planning permission was refused for the proposed development in February 2008.

## 4. **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management Team)** – advised that they have no objection to the planning application given that the three required off street parking spaces can be accommodated within the existing parking area associated with the property.

**Response:** Noted.

- 4.2 **Roads and Transportation Services (Flood Risk Management Team)** – advised that they have no objections to the proposed development.

**Response:** Noted.

- 4.3 **SEPA** – advised that they have no objections to the proposed development.

**Response:** Noted.

- 4.4 **West of Scotland Archaeology Service** – advised that they have no objections to the proposed development.

**Response:** Noted.

- 4.5 **Scottish Water** – noted that a combined sewer runs beneath a section of the property and have sought a four metre standoff distance between the extension and the sewer pipe. Although this is primarily a technical matter, which would normally be dealt with through the building warrant process, given the level of public objection, a decision was taken by the Planning Service to deal with this matter at the planning stage. Therefore, at the request of the Planning Service, the applicant has amended the layout of the proposed development to ensure that a four metre standoff distance can be maintained. Scottish Water have advised that they are satisfied with the amended proposals, subject to final technical approval being issued by them in response to a direct application in this regard, which would be undertaken outside the planning process.

**Response:** Noted. The applicant will be made aware of their requirements in this regard in the event that planning consent is granted by the Committee.

- 4.6 **Cambuslang Community Council** – raised concerns regarding the scale and character of the proposed development, the impact on trees within the site, the potential impact on bats and the potential impact of the development on a culvert or drain within the site as well as road safety issues.

**Response:** The comments of the Community Council are noted. However, following a detailed assessment of the application, the Planning Service considers that the development is acceptable in terms of scale and character and will not have any unacceptable adverse impact on trees within the site or in terms of flood risk management issues. In addition the Council's Roads and Transportation Services has no objection to the proposal in terms of parking and other road safety considerations. A bat survey has also been provided by the applicants which has advised that there will be no adverse impact on bats as a result of the proposed development. The proposed development is considered to be fully compliant with the provisions of both the South Lanarkshire Local Development Plan (adopted 2015) and the Proposed South Lanarkshire Local Development Plan 2018. It is, therefore, considered appropriate for planning permission to be granted for the proposed development.



## **5. Representation(s)**

5.1 Statutory neighbour notification was undertaken in respect of the proposed development. In response, 53 letters of objection were received from 13 households, including a petition containing 45 signatures. In addition, one letter of support was received. The points raised are summarised below.

**a) The proposal relates to the erection of a new dwellinghouse, rather than a granny annex as set out in the application.**

**Response:** The applicant has advised that the proposal relates to the formation of a granny annex to allow the parents of an existing resident to reside on site with the family. Justification has been provided in respect of the need for the accommodation to be provided on site and the Planning Service are satisfied with the details provided. The applicants have stated that they have no intention of selling or splitting the property for separate use. The submitted plans show that the house and the extension are linked internally. Notwithstanding this, a suitable planning condition would be attached to any consent issued stipulating that the granny annex shall be used solely as accommodation ancillary to the main dwellinghouse and shall not be occupied, let or sold as a separate dwelling unit. On this basis, I am satisfied that the application relates to the formation of a granny annex and that its use can be suitably controlled through the planning process.

**b) The use of the proposed development has not been stated. Clarification should also be provided as to whether this would be a separate property and could be sold or rented as such, whether it would be used as an Airbnb property, whether it would be demolished in future if no longer required and whether Council Tax would be paid in respect of the development.**

**Response:** As set out in a) above, the applicants have advised that the proposal relates to the formation of a granny annex to allow the applicant's parents-in-law to reside on site with the family and that it is not intended to utilise the development for any other purpose. A suitable planning condition would be attached to any consent issued stipulating that the granny annex shall be used solely as accommodation ancillary to the main dwellinghouse and shall not be occupied, let or sold as a separate dwelling unit. There would be no requirement for the development to be demolished once the period of need ends, however, it would be expected that the development would be utilised as part of the main dwellinghouse at that stage. The issue of Council Tax payments is not a relevant planning consideration.

**c) The development is too large in terms of scale in relation to the original house, the overall property and adjacent properties.**

**Response:** While it is noted that the footprint of the proposed granny annex is significant it is nonetheless noted that it would be single storey in terms of height and would be located within sizeable garden grounds associated with the dwellinghouse at 7 Douglas Drive. As such, it is considered that a development of this scale can be accommodated within the curtilage of the property without having any significant impacts on the property itself or the surrounding area in amenity terms.

**d) The proposed design, appearance and finishes would not be in keeping the existing dwellinghouse or surrounding properties and would adversely impact on the character of the area.**

**Response:** It is noted that, the applicant has amended the originally proposed finishing materials and it is now proposed to finish the development in cement render with a mock stone block pattern to match the existing dwellinghouse, with a slate roof and grey windows. In principle the proposed materials are considered to be acceptable, however, a condition would be attached to any consent issued requiring full details of all proposed materials to be submitted to and approved by the Planning Service prior to development works taking place on site.

- e) **The loss of a large tree at the front of the property would affect the views from the properties at 9 and 10 Douglas Drive.**

**Response:** Loss of view is not a valid planning consideration. However, in this instance, the applicant has advised that the tree in question would not require to be removed to facilitate the proposed granny annex extension.

- f) **The proposal would result in a loss of trees within the site. This would adversely affect the existing screening between the application site and adjacent properties and should be considered in more detail through the submission of a tree survey.**

**Response:** Although some trees, predominantly conifers, within the site would require to be felled to facilitate the development as proposed, it is not considered that the loss of these trees would have any significant impact on the amenity of the property itself or its surroundings. The trees in question are not subject to any specific protection and could have been removed at any time in the past by the applicants. It is, therefore, not considered necessary for a formal tree survey to be submitted for this relatively small scale planning application. Given that the proposed development is single storey in height there are no concerns with regard to screening or overlooking issues associated with the proposed development.

- g) **The development could have an adverse impact on bats within the site.**

**Response:** It was considered unlikely that there would be any impact on bats as a result of this proposed development. However, for the avoidance of doubt, a bat survey was requested by the Council. The survey submitted demonstrated that there would indeed be no adverse impact on bats in this instance. An informative will nonetheless be attached to any consent issued advising of the appropriate procedures in the unlikely event that bats are encountered as part of the development process.

- h) **The development could cause traffic and parking issues locally.**

**Response:** The Council's Roads and Transportation Services were consulted in respect of the application and have advised that given the availability of sufficient off street parking space within the property to facilitate the extended dwellinghouse, they do not have any concerns with regard to traffic, parking or other road safety issues associated with the proposed development. While it is possible that there may be some small scale disruption during the construction process associated with the development, this is the case with all proposed developments and should occur for a temporary period only. It would not be reasonable or appropriate to refuse consent for the development for this reason.

- i) **The development could set an undesirable precedent for similar future developments in the area.**

**Response:** Each planning application requires to be considered on its own merits and the granting of planning consent in this instance would not be considered to set a precedent for any future proposed development. As with any proposed development requiring planning permission, future proposals would require to be assessed on their own merits at the time of submission of an application to the Council.

- j) **The development could create a flood risk issue in the vicinity of the site. In particular, no details of any impact on a stream/culvert/combined sewer that runs under the property appear to have been provided.**

**Response:** Both SEPA and the Council's Flood Risk Management Team were consulted in respect of the application. Both have confirmed that they have no objections to the proposed development. Objectors noted the existence of a sewer running beneath the garden ground of the application site and raised concerns that the proposed development could potentially impact on the sewer. This is a technical issue that would normally be dealt with through the building warrant application process rather than the planning process. However, following the level of concern raised, a decision was taken to request that additional survey work be undertaken to clarify this matter in advance of a decision being taken on the planning application.

Further survey work was undertaken and submitted by the applicants which demonstrated that the proposed extension would not take place on top of the combined sewer. At this stage Scottish Water were consulted to ascertain their views on the survey work undertaken. They agreed that the extension would not take place directly over the sewer, but requested that a four metre standoff distance be provided in this instance to ensure the protection of the asset. Amended drawings were then submitted altering the layout of the proposed extension to ensure that a four metre distance to the sewer would be maintained. Scottish Water were reconsulted on the amended drawings and advised that they were satisfied that their requirements had now been met, subject to formal approval being obtained directly from Scottish Water, separate to the planning application process.

As such, there is not considered to be an issue in this regard and it would not be appropriate for planning permission to be refused on flood risk grounds. The applicants would be required to gain formal approval from Scottish Water for the works, separate to the planning application process. Thereafter, it would be the responsibility of the applicants to ensure that the development does not create any adverse impacts in terms of affected streams, culverts, sewers or other flood risk management issues.

- k) **The development could create overlooking and privacy issues between the applicant's property and nearby properties. In addition, potential damage to shared boundary hedges could create privacy issues.**

**Response:** Given that the proposed development would take the form of a single storey extension to a two storey dwellinghouse, it is not considered that the development would create any issues in terms of overlooking or loss of privacy. The issue of maintenance of shared boundary hedges would be a civil matter to be resolved separately between the parties involved.

- l) **Although not located within the Conservation Area these properties represent a historical part of Cambuslang and it should be ensured that the character of the area is not adversely affected by inappropriate development or loss of trees.**

**Response:** It is noted that the proposed development would be single storey in height and would be set back from the front elevation of the property, projecting to the side and rear of the existing dwellinghouse only. Additionally, it is considered that the proposed development would be finished in materials that would suitably complement the existing dwellinghouse on site and the surrounding area. As such, it is not considered that the development would adversely affect the traditional character of the local area. As set out in f) above, it is not considered that the removal of a number of trees from within the garden area would have any significant impact on the amenity of the property itself or its surroundings

- m) **The vehicular access to the development has not been clarified in that access could be taken from Douglas Drive or West Coats Road. Use of the access point from West Coats Road may cause security issues for adjacent properties, create traffic congestion and cause damage to trees.**

**Response:** The applicants have confirmed that the granny annex would be accessed from the front of the property via Douglas Drive, in the same manner that the dwellinghouse is accessed at this time. The Council's Roads and Transportation Services have confirmed their satisfaction with the proposed development in terms of access, traffic and parking issues.

- n) **The development could be used as business premises rather than as a granny annex.**

**Response:** Any planning consent issued would permit the use of the development as a granny annex associated with the existing dwellinghouse on site only. As such, a separate planning consent would require to be obtained if it was proposed to utilise the extension as business premises in future.

- o) **The proposal does not comply with Policy DM2 of the adopted South Lanarkshire Local Development Plan which states that developments should not dominate or overwhelm the existing dwelling, neighbouring properties or the street scene in terms of size, scale or height.**

**Response:** While it is noted that the footprint of the proposed granny annex is significant it is nonetheless noted that it would be single storey in terms of height and would be located within sizeable garden grounds associated with the dwellinghouse at 7 Douglas Drive. As such, it is not considered that the proposed development would dominate or overwhelm the existing dwelling, neighbouring properties or the street scene in terms of size, scale or height and the view is taken that the proposals fully comply with Policy DM2.

- p) **The proposal does not comply with Policy DM3 of the adopted South Lanarkshire Local Development Plan concerning sub-division of garden ground which requires that features which contribute to the character of an area be retained.**

**Response:** Policy DM3 relates to the sub-division of garden ground in order to form an additional dwellinghouse. In this instance, it is not proposed to form an additional dwellinghouse and as such, this policy is not of relevance to the planning application. However, in any event, it is not considered that the development as proposed would result in the loss of any features that make a significant contribution to the character of the area in which the property is situated.

- q) **The proposal does not comply with Policy DM1 of the adopted South Lanarkshire Local Development Plan which states that proposals should be of a high quality design that is sympathetic to the local area.**

**Response:** The proposals have been considered in detail and the view is taken that the proposals would represent a high quality design that ensures that the development provides the required additional accommodation while also ensuring that the character and amenity of the area is not adversely affected. As such, the proposed development is considered to be compliant with Policy DM1.

- r) **The development, if approved, may have structural impacts on adjacent properties.**

**Response:** This is not a valid planning consideration. However, a building warrant would require to be obtained for the proposed works and, through the building warrant process, it would be ensured that the development would be fully compliant with all relevant building standards. It should be noted, however, that any issues relating to damage to a neighbouring property would be a civil matter which would require to be resolved privately between the parties involved.

- s) **The creation of a narrow passage between the proposed development and the adjoining semi-detached property may create security issues.**

**Response:** It is not considered that the extension would create any additional security issues either in respect of the application site or any adjacent properties.

- t) **The ownership certificate associated with the application appears to be incorrect and shows the applicant to be the property owner, rather than the owners as identified on the Land Registry Records associated with the property.**

**Response:** The applicants have noted that the ownership certificate was incorrectly filled in at the time of submission of the planning application. A revised ownership certificate has been submitted to correct this error.

- u) **The proposed development would cause overshadowing issues to adjacent properties.**

**Response:** Given that the proposed development would be single storey in height throughout and the ground on which it is proposed to be situated is predominantly flat, it is not considered that there would be any significant overshadowing issues to adjacent properties created as a result of the development.

- v) **The removal of existing walls to facilitate the proposed development could have a structural impact on the property and the adjoining semi-detached dwelling.**

**Response:** Similarly to r) above, this is not a relevant planning consideration but would form part of any future building warrant application submitted in respect of the proposed development. It should be noted, however, that any issues relating to damage to a neighbouring property would be a civil matter which would require to be resolved privately between the parties involved.

- w) **No details of drainage of rainwater from guttering has been provided.**

**Response:** There is no requirement for these details to be provided as part of the planning application submission.

- x) **Demolition and foundation works associated with the proposed development could cause damage to the adjoining semi-detached dwelling.**

**Response:** This is not a relevant planning consideration. Any issues relating to damage to a neighbouring property would be a civil matter which would require to be resolved privately between the parties involved.

- y) **It is noted that revised drawings have been submitted and the plans have been amended and reduced in scale. However, the previously stated objections are retained by the writer in respect of the amended proposals.**

**Response:** The writer's comments are noted. However, as set out in Section 6 below, following a detailed assessment of the planning application the view is taken that the proposal is fully compliant with all relevant Council policies. It is, therefore, considered appropriate for planning consent to be issued in respect of the proposed development in this instance.

- z) **The objectors were not provided with written confirmation of the outcome of the original application in respect of the proposed development and feedback was not provided in respect of the points of objection raised.**

**Response:** Although amended drawings were submitted in respect of the proposed development, the application under consideration is the original application and as such, no final decision has been taken in respect of this application at this time. Once the application is determined all representees will be provided with confirmation of the outcome of the application. Responses to the points of objection raised are detailed in the report of handling associated with the development which can be viewed on the Council's Planning Portal.

- aa) **The development will result in a loss of green space and set a precedent for further loss of green space through future developments of a similar nature. This will create an adverse impact in terms of climate change issues.**

**Response:** While an area of garden ground associated with the dwellinghouse on site would be lost to facilitate the proposed development it is not considered that any significant loss of greenspace would occur in this instance, particularly given the extensive remaining garden grounds associated with this property which would be retained. Each planning application requires to be considered on its own merits and the granting of planning consent in this instance would not be considered to set a precedent for any future proposed development. As with any proposed development requiring planning permission, future proposals would require to be assessed on their own merits at the time of submission of an application to the Council.

- bb) **Details have not been provided as to how the building works would be carried out on site.**

**Response:** There is no requirement for these details to be provided as part of the planning application submission. However, a building warrant would require to be obtained for the proposed works and, through the building warrant process, it would be ensured that the development would be carried out in accordance with all relevant building standards.

- cc) **Part of the stone wall at the front of the property would require to be removed to facilitate the proposed access arrangements associated with the development.**

**Response:** It is noted that a section of the wall in question is proposed to be removed to facilitate the development. The removal of the section of wall would not, in itself, require planning consent and this work would allow improved access and car parking space to be provided in respect of the development. It is noted, however, that the Council's Roads and Transportation Services have declared their satisfaction with the existing parking arrangements on site.

- dd) **Further contact has been made with SEPA by objectors to the proposed application. Had SEPA known of the existence of a culvert running under the proposed development site it is likely that they would have objected to the development. Neither the Council's Planning or Flooding departments have sufficiently investigated the issue of the culvert and SEPA have not been given an opportunity to provide further comment regarding the application.**

**Response:** The objectors' assertions as set out above are incorrect. Consultation was undertaken with both SEPA and the Council's Flood Risk Management Team as part of the initial assessment of the planning application with neither offering any objections to the proposed development. Further consultation was also undertaken with both Services during the application assessment process. Although the issue of a combined sewer running through the garden ground of the property would normally be dealt with through the building warrant process rather than the planning application, as noted in j) above, this matter has been dealt with in detail as part of the planning application assessment process in this instance. In addition to SEPA and the Flood Risk Management Team, Scottish Water have also now declared their satisfaction with the proposed development layout, subject to the issuing of formal technical approval outside the planning process. As such, it would not be appropriate for planning permission to be refused on flood risk grounds.

- ee) **The application site boundary as shown on the plans submitted is incorrect and does not match the land owned by the applicant and his family in this case.**

**Response:** The issue of land ownership is a civil matter and does not form part of the planning application assessment process. As a courtesy, the objectors' claim has been noted to the applicant, who has stated that he is satisfied that the details he provided as part of his application are correct, other than a naming error on the ownership certificate which has since been corrected. Any further concerns with regard to this matter require to be dealt with privately by the parties involved, outside of the planning process.

- ff) **The writer wishes to note that they have no objection to the planning application.**

**Response:** The writer's position is noted.

5.2 These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

6.1 Planning permission is sought to erect a single storey extension to the side and rear of the dwellinghouse at 7 Douglas Drive, Cambuslang, comprising additional living accommodation associated with the dwelling and a granny annex. The total floor area of the proposed extension would be 148 square metres, with 30 square metres of the extension comprising an extended kitchen area associated with the main dwellinghouse and the remainder comprising the proposed granny flat. The proposed granny flat would comprise a bedroom, a small dressing area, a kitchen and living area, as well as bathroom facilities. The proposed extension would be finished in

cement render with a mock stone block pattern and a slate roof to match the existing dwellinghouse.

- 6.2 The applicants have provided supporting information advising that the proposed granny flat would be occupied by the parents of one of the occupants of the property. Additional medical justification demonstrating the need for the accommodation to be provided on site has also been provided.
- 6.3 Section 25 of the Town and Country Planning (Scotland) Act 1997, requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local development plan policy.
- 6.4 In terms of the South Lanarkshire Local Development Plan (adopted 2015), it is noted that the site is located in an area which forms part of the general urban area as designated by Policy 6. As such, the principle of the use of the site for residential purposes is considered to be acceptable. With regard to the specific design and layout of the proposed development Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. Further policy and guidance is set out in the associated supplementary guidance document relating to Development Management, Placemaking and Design.
- 6.5 Policy DM1 of the supplementary guidance document relating to development management, placemaking and design advises that the design and layout of all new development will require to be assessed against the relevant supplementary guidance policies as appropriate. In this case Policy DM2 – House extensions and alterations and Policy DM5 – Extended family accommodation are considered to be of specific relevance to this planning application.
- 6.6 Policy DM2 advises that proposed house extensions and alterations will be considered favourably provided that the siting, form, scale, design and materials are appropriate to the dwellinghouse itself and the wider area, the proposed development does not overwhelm the existing dwellinghouse or wider streetscene and the development does not have a significant adverse impact in terms of privacy, overlooking or loss of light. In addition, proposals should retain adequate car parking, bin storage and garden ground and should not adversely impact on traffic or public safety.
- 6.7 Policy DM5 provides specific policy and guidance with regard to extended family accommodation. The policy advises that in order for proposed extended accommodation to be considered acceptable, a social need will require to be demonstrated in support of the proposals. In addition, it will require to be demonstrated that adequate access, parking and turning facilities will continue to be provided and that no harm to the amenity of neighbouring properties through loss of privacy or overlooking will occur. Furthermore, in instances where proposals for the formation of a family annex are considered acceptable, any consent issued will require to be appropriately conditioned to ensure that the annex is not occupied, let or sold as a separate dwellinghouse.



- 6.8 In this instance, it is noted that, although sizeable in terms of floor area, the proposed extension would be small in terms of height, being single storey throughout. In addition it is noted that the property is situated within extensive garden grounds and that, as such, ample garden and amenity space would remain available to serve the extended property. In addition, it is noted that the proposal has been amended twice by the applicants, in light of objections from local residents and in order to ensure that a sizeable standoff distance from a combined sewer would be retained. On both occasions the overall floor area of the proposal has been reduced and the proposed development is therefore of a considerably small scale than was originally proposed. Furthermore, given the significant size of the plot and other adjacent properties and taking into account that the proposed extension would be significantly set back from the front elevation facing onto Douglas Drive, it is considered that an extension of this scale can be comfortably accommodated within the site without adversely impacting on the streetscape or the character of the local area.
- 6.9 Given that the proposed development would be single storey in height throughout it is not considered that there would be any significant adverse impact on any surrounding properties in terms of overlooking, loss of privacy or overshadowing issues. Furthermore the Council's Roads and Transportation Services (Development Management Team) have advised that they have no objections to the proposed development, as appropriate off street car parking provision is available to serve the enlarged dwellinghouse. It is noted that a row of trees, predominantly conifers, located in the garden area of the property would require to be removed to facilitate the proposed development. However, given the substantial number of trees that would remain in situ within the application site as well as in the garden grounds of surrounding properties, it is not considered that the loss of these trees would have any unacceptable impact on the streetscape. Additionally, it is noted that these trees are not subject to any formal protection and could have been removed by the applicants at any time. A bat survey has been undertaken in respect of the trees to be removed which has found that there would be no impact on bats as a result of the proposed works.
- 6.10 In terms of consideration of potential flood risk management issues, both SEPA and the Council's Flood Risk Management Team, were initially consulted in respect of the application. Both have confirmed that they have no objections to the proposed development. Objectors noted the existence of a sewer running beneath the garden ground of the application site and raised concerns that the proposed development could potentially impact on the sewer. This is a technical issue that would normally be dealt with through the building warrant application process rather than the planning process. However, given the level of concern raised, as a one off a decision was taken to request that additional survey work be undertaken to clarify this matter in advance of a decision being taken on the planning application.
- 6.11 Further survey work was, therefore, undertaken and submitted by the applicants which demonstrated that the proposed extension would not take place on top of the combined sewer. At this stage Scottish Water were consulted to ascertain their views on the survey work undertaken. They agreed that the extension would not take place directly over the sewer, but requested that a four metre standoff distance be provided in this instance to ensure the protection of the asset. Amended drawings were therefore submitted altering the layout of the proposed extension to ensure that a four metre distance to the sewer would be maintained. Scottish Water were reconsulted on the amended drawings and advised that they were satisfied that their requirements had now been met, subject to formal approval being obtained directly from Scottish Water, separate to the planning application process. As such, it would not be appropriate for planning permission to be refused on flood risk grounds. The applicants

would be required to gain formal approval from Scottish Water for the works, separate to the planning application process. Thereafter, it would be the responsibility of the applicants to ensure that the development does not create any adverse impacts in terms of affected streams, culverts, sewers or other flood risk management issues.

- 6.12 With regard to the justification of the formation of a granny flat within the site, it is noted that supporting information has been provided by the applicants advising of the social need for the extended family accommodation to be provided. The details submitted have been accepted by the Planning Service. In particular it is noted that the development, if approved, would allow suitable on site accommodation to be provided to elderly relatives of the residents of the property and ensure that they can be appropriately cared for at home as required. A planning condition would be attached to any consent issued to ensure that the annex is not occupied, let or sold as a separate dwellinghouse. A condition requiring the submission of full details of all materials proposed to be used as part of the development would also be attached to any consent issued, to ensure that the development would suitably relate to the surrounding streetscape. As such, further to the detailed assessment of the proposals as outlined above, the view is taken that the proposals are compliant with the relevant policies of the Adopted South Lanarkshire Local Development Plan and its associated supplementary guidance, with specific regard to Policies 4, 6, DM1, DM2 and DM5.
- 6.13 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 3, 5, DM1, DM2 and DM5 of the proposed plan.
- 6.14 In summary, while it is noted that the proposed development is sizeable in terms of scale, the view is taken that, given the single storey nature of the extension and the extensive gardens within which this property is set, the development as proposed would be fully compliant with the relevant provisions of both the South Lanarkshire Local Development Plan (adopted 2015) and the Proposed South Lanarkshire Local Development Plan 2018. Furthermore, it is noted that the development, if approved, would allow suitable on site accommodation to be provided to elderly relatives of the residents of the property and ensure that they can be appropriately cared for at home as required. It is, therefore, recommended that planning permission is granted for the proposed development, subject to the attached conditions.

## **7. Reasons for Decision**

- 7.1 The proposal would have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6, DM1, DM2 and DM5) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 3, 5, DM1, DM2 and DM5). There are no additional material considerations which would justify refusing to grant consent.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020

**Previous references**

◆ CR/07/0387

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 12 July 2019
- ▶ Neighbour notification letter dated 7 August 2020
- ▶ Consultations

Roads Development Management Team	01.09.2020
WOSAS	24.07.2019
SEPA Flooding	19.07.2019
Roads Flood Risk Management	08.04.2020
Cambuslang Community Council	09.05.2020 19.08.2020
Scottish Water	03.08.2020

▶ Representations	Dated:
Mr & Mrs J Anderson, 36 Cadzow Drive, Cambuslang, G72 8NF	31.07.2019
Mrs Elizabeth Grant, 9 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	13.01.2020
Dr Stanley Grant, 9 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	24.09.2019
Mrs Elizabeth Grant, 9 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	31.07.2019
Dr Stanley Grant, 9 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	31.07.2019
Mrs Leila Lindsay, 10 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	29.07.2019
Mr Alan Lindsay, 10 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	28.07.2019
Mr Robert Anderson, 11 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	29.07.2019

Mr Robert Anderson, 11 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	24.09.2019
J K Beattie, 5 Douglas Drive, Cambuslang, G72 8NG	23.09.2019
R Jones, 39 Brownside Road, Cambuslang, Glasgow, South Lanarkshire, G72 8NH	29.07.2019
Mr And Mrs J Myles, 61 West Coats Road, Cambuslang, Glasgow, South Lanarkshire, G72 8AE	12.08.2019
Captain David L. Beveridge, 59 West Coats Road, Cambuslang, Glasgow, South Lanarkshire, G72 8AE	12.08.2019
Mr Alexander Murrison, 53 West Coats Road, Cambuslang, Glasgow, South Lanarkshire, G72 8AE	26.07.2019
Thomas J Gillies, 51 West Coats Road, Cambuslang, Glasgow, South Lanarkshire, G72 8AE	23.07.2019
Mrs Moira Miller, 8 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NQ	30.07.2019
Mrs Leila Lindsay, 10 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	13.01.2020
Dr Stanley Grant, 9 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	12.01.2020
J K Beattie, 5 Douglas Drive, Cambuslang, G72 8NG	06.08.2019
Mr Robert Anderson, 11 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	17.01.2020
Imogen Beattie, 5 Douglas Drive, Cambuslang, G72 8NG	08.08.2019
John Beattie, Received Via Email	24.07.2019
Mr Alan Lindsay, 10 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	28.01.2020
Imogen Beattie, 5 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	06.08.2019
Mr John Anderson, 36 Cadzow Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NF	17.01.2020
Mrs Elizabeth Grant, 9 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	20.09.2019
Mr & Mrs J Anderson, 36 Cadzow Drive, Cambuslang, G72 8NF	23.09.2019
Imogen Beattie, Received Via E-mail	23.09.2019

John Beattie, Received Via E-mail	24.09.2019
Mrs Catherine Anderson, 11 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	23.09.2019
Mr And Mrs A Lindsay, 10 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	20.09.2019
John Anderson, Received Via E-mail	15.10.2019
Mrs Imogen Beattie, 5 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	19.01.2020
Mr Mark Humphries, 28 Cadzow Drive, Cambuslang, Glasgow, G72 8NF	24.02.2020
Stanley Grant, Received Via E-mail	25.02.2020
Alan Lindsay, Received Via E-mail	25.02.2020
I M Beattie And J K Beattie, 5 Douglas Drive, Cambuslang, Glasgow, South Lanarkshire, G72 8NG	30.01.2020
MSP James Kelly, Received Via E-mail	06.03.2020
Stanley Grant, Received Via E-mail	11.08.2020
Imogen & John Beattie, Received Via Email	11.08.2020
Mr John Beattie, 5 Douglas Drive, Cambuslang, G72 8NG	01.06.2020
Mr Alexander Robert Murrison, 53 West Coats Rd, Cambuslang, Glasgow, G72 8AE	28.08.2020
Mr John Beattie, 5 Douglas Drive, Cambuslang, G72 8NG	31.08.2020
Mr David Beveridge, 59, West Coats Road, Cambuslang, Glasgow, G72 8AE	15.08.2020
Mr Tommy Gillies, 51 Westcoats Road , Cambuslang , Glasgow , G72 8AE	31.08.2020
Mrs Leila Lindsay, 10 Douglas Drive, Cambuslang, Glasgow, G728NG	25.08.2020
Owner/Occupier, 49 West Coats Road, Cambuslang, Glasgow, South Lanarkshire, G72 8AE	19.08.2020
Mr Robert Anderson, 11, Douglas Drive, Cambuslang, Glasgow, G728NG	19.08.2020
Anne Grant, Received Via E-mail	18.08.2020
Mr R Jones, 39 Brownside Road, Cambuslang, Glasgow, G72 8NH	26.08.2020

Mr Alan Lindsay, 10 Douglas Drive, Cambuslang, G72 8NG	05.08.2020
Mr Alan Lindsay, 10 Douglas Drive, Cambuslang, G72 8NG	18.08.2020
MSP James Kelly, Received Via E-mail	10.08.2020
MSP James Kelly, Received Via E-mail	14.08.2020

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455049

Email: [declan.king@southlanarkshire.gov.uk](mailto:declan.king@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

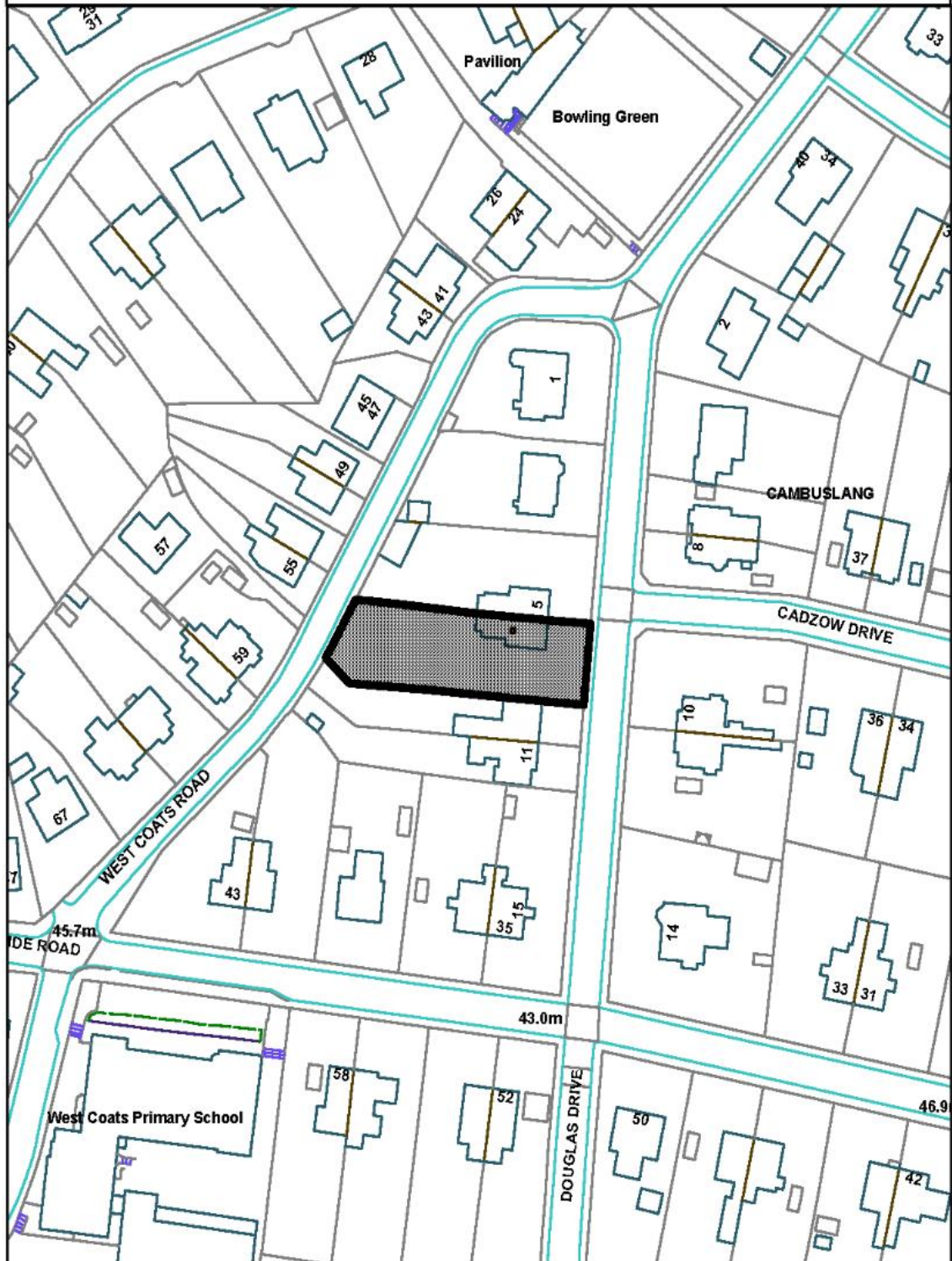
Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That the granny annex hereby approved shall be used solely as accommodation ancillary to the main dwellinghouse and shall not be occupied, let or sold as a separate dwelling unit.

Reason: In order to retain effective planning control.

P/19/0983

7 Douglas Drive, Cambuslang



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Scale:  
1:1,250  
Date:  
14/01/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

5

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0129
Planning proposal:	Erection of 19 dwellinghouses, formation of access road, associated parking, landscaping and fencing

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	Future Development Properties Ltd
Location:	Land at Bartie Gardens Ashgill Larkhall

## 2. Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicant. This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:

- the improvement/upgrading of community facilities in the area.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not

already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above section 75 Obligation shall be borne by the developers.

- (3) A request for a pre-determination hearing has been made by an objector. The request does not accord with the Council's guidance on hearings.

### 3. Other information

- ◆ Applicant's Agent: Adam Sarapata
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
  - Policy 1 - Spatial Strategy
  - Policy 2 - Climate Change
  - Policy 4 - Development Management and Place Making
  - Policy 5 - Community Infrastructure Assessment
  - Policy 12 - Housing Land
  - Policy 16 - Travel and Transport
  - Policy 17 - Water Environment and Flooding

#### **Development Management, Place Making and Design Supplementary Guidance (2015)**

#### **Residential Design Guide (2011)**

#### **Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)**

- Policy 1 - Spatial Strategy
- Policy 2 – Climate Change
- Policy 5 - Development Management and Place Making Policy
- Policy 7 - Community Infrastructure Assessment
- Policy 11 - Housing
- Policy 15 - Travel and Transport
- Policy 16 - Water Environment and Flooding
- Policy DM1 - New Development Design
- Policy SDCC2 - Flood Risk
- Policy SDCC3 - Sustainable Drainage Systems
- Policy DM15 - Water Supply

#### ◆ Representation(s):

▶	13	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

CER Play Provision Community Contribs Judith Gibb

Education Resources School Modernisation Team

West of Scotland Archaeology Service

Coal Authority Planning Local Authority Liaison Dept

SEPA Flooding

Roads Flood Risk Management

## **Planning Application Report**

### **1. Application Site**

- 1.1 The application relates to an area of land located off Bartie Gardens on the northern side of Ashgill. The site is predominantly flat, it extends to approximately 0.75 hectares and consists of open grassland which is fenced off and not accessible to the public. The site is bounded to the north by residential properties, to the south and west by a hedge line, stob and wire fencing and adjacent open grassland and to the west by playing fields associated with Dalserf Primary school. Access to the site is currently via an informal gravel road off Bartie Gardens.

### **2. Proposal(s)**

- 2.1 The applicant seeks detailed planning permission for the erection of 19 dwellinghouses with associated works and landscaping. The proposed dwellings would be a mixture of three detached and sixteen semi-detached one and a half storey houses. The proposed external finishing materials for the dwellings are buff coloured brick walls with an area of cladding on the front elevation, slate for the roof, white UPVC windows and timber doors.
- 2.2 The proposed layout incorporates a single road served via an existing site access off Bartie Gardens. Within the site, there would be a road hierarchy with reduced road widths for traffic calming, passing areas, shared spaces and turning areas. The layout also incorporates two parcels of amenity open space within the northern and southern areas of the site in addition to soft landscaping along the southern and western boundaries of the site.
- 2.3 A Planning Statement, Flood Risk Assessment and an extract of a Combined Phase I/II Geoenvironmental Report were submitted with the application as supporting documents.

### **3. Background**

#### **3.1 Local Plan Policy**

- 3.1.1 In terms of local plan policy, the application site is designated for residential use in the adopted South Lanarkshire Local Development Plan where it is identified as part of the 2014 Housing Land Supply. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 12 - Housing Land, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding. An assessment of the proposal against the above policies is contained in Section 6 of this report. The Development Management, Place Making and Design Supplementary Guidance relating to 'Design' is also relevant to the assessment of the application. The content of the above policies and guidance and how they relate to the proposal is assessed in detail in Section 6 of this report.
- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments.

Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. In this instance Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and DM15 - Water Supply are relevant.

### 3.2 **Relevant Government Advice/Policy**

3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

### 3.3 **Planning Background**

3.3.1 The applicant previously submitted a detailed planning application for the erection of 19 dwellinghouses with associated works and landscaping within the site. The application was refused under the Council's delegated powers on 18 June 2019 as the proposal failed to comply with certain aspects of policy. Despite repeated requests for revised/additional information it was not submitted to enable the favourable consideration of the application (HM/17/0219).

3.3.2 Rosetree Homes submitted a detailed planning application to the Council on 28 July 2009 for the erection of 10 two storey detached dwellings within the site. This application was withdrawn on 25 March 2010 (HM/09/0358).

## 4. **Consultation(s)**

4.1 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a contaminated land site investigation and subsequent remediation of the site. An informative advising the applicant of acceptable hours for audible construction activities at the site should also be attached to any consent granted.

**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

4.2 **Roads Development Management – (Hamilton Area)** – have no objections to the application subject to conditions requiring the provision of appropriate driveway surfacing, wheel washing facilities and a turning area and parking within the site to accommodate all site staff/operatives.

**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions to address the matters raised.

4.3 **Roads and Transportation Services (Flood Risk Management)** – have no objections to the proposal subject to the inclusion of conditions requiring the provision of a sustainable drainage system (SUDS) within the site. The above service consider that betterment can potentially be achieved post development by managing surface water run-off from the application site and surrounding land.

**Response:** Noted. Any consent granted would incorporate appropriately worded conditions to address the above.

- 4.4 **CER Play Provision** - the planning application for P/20/0129 is acceptable in principle from a community/play provision perspective. If any open spaces/play areas were to be progressed as part of the development Grounds Services would not adopt any of the areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. We are happy for the proposal to be developed on the assumption the Council's Residential Design Guide is used throughout the application process. Within the vicinity of the proposal there are a number of community assets in need of investment. Rather than seeking additional on-site provision a financial contribution towards investment in these local existing assets would be preferable.

**Response:** Noted. The applicant has agreed to the provision of a financial contribution towards upgrading community facilities in the area in lieu of providing the full range of play facilities within the site.

- 4.5 **Scottish Water** – have no objections to the application.

**Response:-** Noted.

- 4.6 **The Coal Authority** – in accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas a Coal Mining Risk Assessment Report, or equivalent report, is required to support this planning application. It is understood that, the applicant is unable to provide a full copy of the report, due to their engineer's offices being temporarily closed due to the ongoing Covid-19 pandemic. Whilst the Coal Authority is disappointed that the report has not been provided in its entirety, the exceptional circumstances which have arisen from the current pandemic are acknowledged. As such, and based on the professional opinions expressed by the author of the report extract, the Coal Authority wishes to withdraw its objection to the application. This is, subject to the Council being satisfied that: 1) the report has been produced by a person who is suitably qualified and experienced in the assessment of the risk posed by coal mining legacy; and 2) that a copy of the full version of the report can be secured by condition for the completeness of the planning file.

**Response:-** Noted. Any consent granted would incorporate an appropriately worded condition requiring the submission of the full version of the Combined Phase I/II Geoenvironmental Report for the Council's approval in consultation with The Coal Authority.

- 4.7 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the application. The proposed development falls within an area of some archaeological sensitivity based on the presence of recorded sites and finds of various periods in the surrounding landscape. The application involves a substantial greenfield area which has not previously been developed. In the interests of the sustainable development of such sites, it is important that all environmental issues are considered at an early stage, including any implications for archaeological remains which may be present. Should the Council intend to grant planning consent to this application a condition should be attached requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council.

**Response:-** Noted. Any consent granted would incorporate an appropriately worded condition to this effect.

- 4.8 **SEPA** – have no objections to the application.

**Response:** Noted.

## 5. Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non Notification of Neighbours. Thirteen letters of representation have been received in relation to the application. The grounds of objection are summarised below:

- a) **In relation to design of the proposal the part semi-detached dwellings are not sympathetic to surrounding properties. In addition, the proposed height of the new buildings seems to be higher than a storey and a half and that would make them stand out from the current height in Bartie Gardens. The height of the buildings should be kept in line with the restrictions placed on the properties in Bartie Gardens.**

**Response:** Whilst the concerns raised regarding the height of the proposed dwellings are noted there are a range of building heights located within Bartie Gardens and the surrounding area. It is considered that the type and height of dwellings proposed for a site located within the general urban area is acceptable and that the proposed dwellings will not be so out of keeping with existing properties that the matter merits the refusal of the application or the redesign of the proposed dwellings.

- b) **The density of the proposed development is not in keeping with the general area which is rural low density and there is insufficient separation distance between the proposed development and existing houses. The application shows a number of images taken in the locale of the proposed development. These images clearly show an area which consists of very low density housing. The existing Bartie Gardens density is approximately 1 house per 0.152 acres. The proposed development will be 1 house per 0.0824 acres. This would mean that housing density would be 1.83 times the housing density of the immediate area and that the proposal fails to meet the Residential Design Guide.**

**Response:** The application site is located within the general urban area within the village settlement of Ashgill. In terms of the density of the proposal and its relationship with existing development it is considered that the proposal is acceptable and that it meets the main standards contained in the Council's Residential Design Guide.

- c) **The area shown on the planning application is adjacent to a burn in an area which frequently floods during heavy rainfall. This area is a natural sustainable area of drainage for the surrounding developments. Any development of this land may have a detrimental effect on the drainage of the surrounding land. It may also be affected by the Sustainable Urban Drainage System that is planned for the proposed development. The existing drainage system was designed to cope with the low-density nature of the surrounding area and it should be proven to be capable of coping with a development the size of the proposed one. Within the application there is no detail of the method that will be installed to provide adequate SUDS. The development should be refused on the grounds of drainage due to the real threat of existing flooding being made more serious due to the loss of existing sustainable drainage, the inadequacies of the existing drainage and the risk of flooding within an area which has had homes flooded in the past. The water on this land is becoming worse and I believe that the development would be a breach of the South Lanarkshire Local Development Plan Policy 17.**

**Response:** With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation (Flood Risk Management) subject to the inclusion of conditions requiring the provision of a sustainable urban drainage system (SUDS) within the site. The above service consider that betterment can be achieved post development.

- d) **The current road in Bartie Gardens doesn't seem the same width or standard as other roads which will make it unsafe for potentially another 40 plus cars using the road. Also on the drawing, a space is shown at the hammer head that looks like the developers have future plans to go into the adjacent field if they get permission. If this other field gets developed there could be in excess of over 100 plus cars which the current road isn't able to support or safe. If this development gets permission could the residents of Bartie Gardens get some kind of confirmation from the Council that the road in Bartie Gardens is to a safe standard and same width as any other road in South Lanarkshire.**

**Response:** Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that sufficient car parking is being provided for the development.

- e) **The application states that one of the strengths of the new development would be views to the open countryside to the south and west. If the proposed development is allowed to go ahead the very same views will be taken away from my house.**

**Response:** Loss of view is not a material planning consideration.

- f) **The proposal will result in a loss of privacy to existing properties in Bartie Gardens.**

**Response:** Due to the distance between the existing and proposed dwellings and the orientation of the buildings it is considered that the proposed development has been designed appropriately to ensure that it will have no significant adverse impact on adjacent properties in terms of overlooking and loss of privacy.

- g) **The proposal will result in a loss of daylight to existing properties in Bartie Gardens including back gardens. This will be especially relevant when the sun is not as high in the sky e.g. winter months. The application states that the development will maximise the South facing opportunities for gardens and maximise the solar gain within the properties. This maximisation will come at the cost of cutting down the solar gain within some of the properties within Bartie Gardens. The height of the proposed houses within the development is at least two metres higher than the maximum allowed height of houses within Bartie Gardens and would inevitably lead to a loss of light in the gardens bordering the property.**

**Response:** Due to the distance between the existing and proposed dwellings and the orientation of the buildings, it is considered that the development would have no significant adverse impact on adjacent properties in terms of loss of light and overshadowing.

- h) **For a previous planning application with fewer houses proposed, the water pressure wasn't substantial enough for additional housing at the time.**

**Response:** Scottish Water raised no adverse comments in this regard and have advised that they have no objections to the application.



- i) **The local school is running at capacity and with an additional nineteen households with children, the school wouldn't have sufficient space to cope. This would put more pressure on the Council with the possibility of having to extend the school.**

**Response:** This would be a matter for the Council's Education Resource to address if deemed necessary. It must be highlighted however, that the site has been identified for housing development for a number of years and that Education Services would have been consulted about this and be aware of it.

- j) **Bartie Gardens access road in its current condition is not suitable to support access to a development of 19 houses (anticipated 38 vehicles), it does not meet design standards for a public road. The Council was eventually forced into the position of adopting it as properties were occupied, completing and funding the construction work at the time as no road bond had been provided by the developer. I note it is the same developer that has now made the application for Lime Grove and as such I would ask that it is ensured a road bond is secured if and before the development is to progress.**

**Response:** Roads Development Management have raised no objection to the proposal although they seek to ensure appropriate vehicular and pedestrian visibility splays; confirm the dimensions of the carriageways, driveways and turning head; and ensure provision of an adequate drainage strategy. The provision of a Roads Bond is for Roads and Transportation Services to determine as part of a Roads Construction Consent application, this being an independent process divorced from the determination of this planning application.

- k) **A previous consideration under HM/81/003 (sic) was made by the Council on adjacent areas. The first of these reports noted significant development issues and the second confirmed the development was not in accordance with the Council's strategy for the area. The findings of these earlier documents should be considered when assessing the current application.**

**Response:** The principle of the proposal is discussed in Section 3 of this report.

- l) **The access road into Lime Grove terminates in a turning head at its south end, the west end of this turning head appears to have been left clear such that it could possibly be used in the future to access the adjacent field should it be developed in the future, rather than via Tinto View Road further to the West. Whilst this is not specifically a reason to object at this time I would welcome the Council's comment to this option being exercised in the future.**

**Response:** The adjacent field relates to land which is located within the village settlement of Ashgill. However, no planning application has been submitted to date to develop this field and any application submitted would have to comply with the Council's Residential Design Guide and National Roads Development Guide.

- m) **There are two "high risk" mine entrances on the proposed development site. It will be highly likely that damage could occur to neighbouring buildings if a development takes place on this site. There are other issues listed as hazardous on the Coal Authority resource webpages. These include, surface coal resources, probable shallow coal mine workings and mine entry zone of influences. There are two "high risk" mine entrances on the proposed development site. It will be highly likely that**

damage could occur to neighbouring buildings if a development takes place on this site. There are other issues listed as hazardous on the Coal Authority resource webpages. These include, surface coal resources, probable shallow coal mine workings and mine entry zone of influences. There are also concerns that that bore-hole information being used for this development may not be accurate.

**Response:** The Coal Authority were consulted on the application and have advised that they have no objections to the application subject to a condition requiring the submission of the full version of the Combined Phase I/II Geoenvironmental Report for the Council's approval in consultation with The Coal Authority. Any consent granted would be conditioned to this effect.

- n) **The Planning Service stated in the report for the refusal of application HM/17/0219 that adjacent properties range in height from 6.8 metres to 8 metres. This is not correct. Three of the houses directly overlooked by the new development are bungalows which are 5.5 metres in height. The house quoted in the extract at 7 Bartie Gardens is not as stated 7.2 metres high it is 6.7 metres high. There are no houses in the near vicinity of the proposed new development that are 8 metres high. The planning application should be refused based on the reason that the height of the houses will be approximately 7.2 metres and is not in keeping with the surrounding area.**

**Response:** Whilst the above points are noted, there are a range of building heights within Bartie Gardens and the surrounding area. It is considered that the height of the proposed dwellings for a site located within the general urban area is acceptable and that they will not be so out of keeping with existing properties that the matter merits the refusal of the application.

- o) **The application shows that there will be 38 parking spaces and the layout of these spaces is shown as two per house. There is no provision within the application for visitor parking. The parking would further be inadequate when other vehicles have to access the site e.g. delivery vehicles, utility company vehicles etc. With the lack of adequate parking there is a risk that vehicles would be parked in unsuitable places. This could include the access road and areas that are designated open spaces within the development plan.**

**Response:** Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access, parking or road safety issues.

- p) **The proposed development should be refused due to the high probability that works vans used by residents of the new development will be parked both in Bartie Gardens and on the access road into the site of the new development, vehicles including cars that are too long for the parking places provided will be parked both in Bartie Gardens and on the access road into the site of the new development, any possible visitors to the new development will park their vehicles in Bartie Gardens and on the access road into the site of the new development, and the parking spaces are not long enough to allow an average sized works van to be parked in it.**

**Response:** Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no parking or road safety issues.

- q) **If the new development does not utilise "renewable energy sources" the development should be refused on the grounds it does not conform to section iii) of Policy 2 Climate Change in the Residential Guide (2011)**

**Response:** The proposal involves the development of a site which is located within a sustainable location within the village settlement of Ashgill, which includes opportunities for trips by public transport. The proposal is, therefore, considered to be in accordance with the terms of Policy 2.

- r) **The existing Bartie Gardens development consists of 15 houses. This generates traffic consistent with this size of development. If the application is successful the traffic within Bartie Gardens has the potential to more than double traffic flow, based on the same number of vehicle movements being generated per house. The likely traffic generated from the new development would be excessive and lead to road safety and parking issues. It should also be noted that the existing entrance to Bartie Gardens is not symmetrical with one side being 27% wider than the other. This was an issue highlighted to the Council at the time the roads were being completed. The entrance is not suitable for further housing to be accessed from it, as stated by the Council at the time the roads were being completed.**

**Response:** Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no parking or road safety issues.

- s) **Restrictions on building heights, distances between houses and distances to the road are not being imposed on this planning application.**

**Response:** It is considered that the proposal is acceptable for a site located within the general urban area and that it meets the main standards contained in the Council's Residential Design Guide.

- t) **The planning application shows green areas and trees. Who will be responsible for maintaining these areas?**

**Response:** The maintenance of the areas in question would be the responsibility of a nominated factor. Any consent granted would include a condition requiring the submission of a landscaping scheme, including full maintenance details, for the Council's further approval.

- u) **The application states there are no trees within, adjacent to or overlooking the site which is incorrect. Why are no house dimensions provided with the proposed plans. Where will the new street lighting be positioned.**

**Response:** It is considered that a sufficient level of detail has been submitted with the application, in addition to information gathered from site visits undertaken, to enable an appropriate assessment of the proposal. Street lighting would be detailed in any application for roads construction consent (RCC).

- v) **Whilst not directly related to the application there is doubt surrounding ownership of the land.**

**Response:** The applicant has confirmed on the application form that they own the land that forms the application site.

- w) **The time taken to construct a development of this size would put a large strain on existing residents in terms of noise generation, dirt/dust build up in surrounding areas and possibly delays caused on local roads during such construction.**

**Response:** The nature of a construction site is such that there may be a degree of disturbance to neighbouring properties while works are undertaken. However, any disturbance should be minimal and would be for a temporary period until the development is completed.

- x) **The application should be refused if it does not include electric vehicle charging infrastructure and utilise renewable energy sources.**

**Response:** The Planning Service would not insist on the provision of electric vehicle charging points for a development of this scale. The use of renewable energy sources would be addressed through the Building Warrant submission. This would ensure that the development meets the guidance on energy standards, as required by the Building (Scotland) Regulations 2014.

- y) **I believe that if the proposed application has at least 6 people making representation to South Lanarkshire Council it is necessary to discuss the application at a committee meeting. If this application attracts the required number of representations to the Council I would ask for the right to speak at the appropriate committee.**

**Response:** It is noted that a request for a pre-determination hearing has been made. However, the request does not accord with the Council's guidance on hearings.

- 5.2 These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

- 6.1 The applicant seeks detailed planning permission for the erection of 19 dwellinghouses with associated works and landscaping. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of national planning policy, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the application site is located within the village settlement of Ashgill. The site would be easily accessible by public transport via the existing bus route that operates along Ashgillhead Road and well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 In terms of local plan policy, the application site is designated for residential use in the adopted South Lanarkshire Local Development Plan where it is identified as part of the 2014 Housing Land Supply. The relevant policies for the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 12 - Housing Land, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 6.4 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies the proposal involves the development of a site which is located within a sustainable location within the village settlement of Ashgill. The site is designated for residential use and includes opportunities for trips by public transport with an existing bus service

operating on Ashgillhead Road in close proximity to the site. The proposal is, therefore, considered to be in accordance with the terms of Policies 1 and 2.

- 6.5 As the application site is designated for residential use under the terms of Policy 12 and there are no environmental or access issues which would prevent the development of residential use within the site, the proposal raises no policy issues and conforms with Policy 12.
- 6.6 In terms of the detailed design of the development, Policy 4 requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide, particularly in terms of garden depths, car parking provision and the provision of amenity space. It is considered that the proposed development is of an acceptable standard in terms of its design which incorporates a suitably high standard of finishing materials and that it will be in keeping with the existing residential development in the surrounding area. Whilst the concerns raised by neighbours regarding the height of the proposed dwellings are noted there are a range of building heights located within Bartie Gardens and the surrounding area. In this regard, it is considered that the height of the proposed dwellings for a site located within the general urban area is acceptable and that the proposed dwellings will not be so out of keeping with existing properties that the matter merits the refusal of the application or any re-design of the proposed dwellings. It is also considered that the layout of the development has been designed appropriately to ensure that the proposal will have no significant adverse impact on existing properties in terms of overshadowing, overlooking or loss of privacy. On this basis, it is considered that the proposal complies with the terms of Policy 4.
- 6.7 In terms of Policy 5 - Community Infrastructure Assessment the applicant has agreed in principle to the provision of a financial contribution towards community facilities which would be addressed appropriately through the conclusion of a Section 75 Obligation or other appropriate agreement between the Council and the applicant. It is, therefore, considered that the proposal is in accordance with Policy 5.
- 6.8 Policy 16 - Travel and Transport seeks to ensure that development considers and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is accessible by public transport with an existing bus route along Ashgillhead Road and the development would be well integrated into existing walking and cycling networks. Roads and Transportation Services are satisfied that the proposal raises no access or road safety issues and that sufficient car parking is being provided for the development. On this basis, it is considered that the proposal complies with the terms of Policy 16.
- 6.9 The proposal has been assessed by the relevant consultees in terms of Policy 17. With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation subject to the inclusion of conditions requiring the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of Policy 17.

- 6.10 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. It is considered that the proposal accords with Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 11 Housing, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding in addition to Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and DM15 - Water Supply.
- 6.11 In summary, the application to develop the site for housing is considered to be acceptable as the application conforms with local plan policy and the proposal raises no significant environmental or infrastructure issues. The design, layout, location and density of the development is acceptable and it will not have a detrimental impact on the amenity of the surrounding area. It is, therefore, considered that detailed planning permission should be granted subject to the conditions listed and subject to the conclusion of the required Section 75 Obligation and/or other appropriate agreement.
- 7. Reasons for Decision**
- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 5, 12, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Development Management, Place Making and Design Supplementary Guidance relating to 'Design'. The proposal also complies with Policies 1, 2, 5, 7, 11, 15, 16 and Policies DM1, SDCC2, SDCC3 and DM15 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020

**Previous references**

- ◆ HM/17/0219

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2015)
- ▶ Residential Design Guide (2011)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 06.02.2020
- ▶ Press Advertisement, Hamilton Advertiser dated 20.02.2020

►	Consultations	
	Roads Development Management Team	28.02.2020 & 08.09.2020
	Environmental Services	04.03.2020
	Scottish Water	10.02.2020
	CER Play Provision Community Contribs Judith Gibb	10.03.2020
	West Of Scotland Archaeology Service	14.02.2020
	Coal Authority Planning Local Authority Liaison Dept	07.02.2020
	SEPA Flooding	18.02.2020
	Roads Flood Risk Management	01.09.2020 & 07.09.2020
►	Representations	Dated:
	John And Rosemary Newlands, Via Email	19.02.2020
	Marilyn And George Small, 25 Bartie Gardens, Ashgill, ML9 3FB	25.02.2020
	George McLean,	25.02.2020
	Stewart A Miller AIB, Received Via E-mail	27.02.2020
	Jack Surgeon,	28.02.2020
	Barry And Lorraine Collins, 19 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	21.02.2020
	Laura Jones, 3 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	17.02.2020
	W And M Armstrong, 7 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	28.02.2020
	Mrs Janet McLean, 17 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	25.02.2020
	Mr John And Mrs Jones, 5 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	27.02.2020
	John And Kay Murphy, 11 Bartie Gardens, Ashgill, Larkhall, South Lanarkshire, ML9 3FB	24.02.2020
	Alan Brisbane,	03.03.2020
	Mr J And Mrs J Surgeon,	02.03.2020

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453657

Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)



### Conditions and reasons

01. That no consent is hereby granted for the type and distribution of external finishes as shown on the approved plan, and no work shall commence on site until samples of alternative materials have been submitted to and approved in writing by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
  - (b) details and specification of all trees, shrubs, grass mix, etc. within the site including the structure planting required along the rear boundaries of the rear gardens of the individual plots;
  - (c) details of any top-soiling or other treatment to the ground;
  - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (e) proposals for the initial and future maintenance of the landscaped areas including the structure planting required along the boundaries of the rear gardens of the individual plots;
  - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

03. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

04. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 4, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

08. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

09. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed and completed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

10. That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

11. That prior to any works commencing on site a copy of the full version of the Combined Phase I/II Geoenvironmental Report (prepared by Jord Geo Design) shall be submitted to and approved by the Council as Planning Authority in consultation with The Coal Authority.

Reason: In order to retain effective planning control.

12. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within

the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

13. (a) The applicant should be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:
- ◆ Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
  - ◆ Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
  - ◆ BS 10175:2011 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: The site is adjacent to the former Ashgillhead Colliery.

14. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: The site is adjacent to the former Ashgillhead Colliery.

15. That the applicant shall ensure that any vehicle transporting excavated material on or off site is treated by means of adequate wheel washing facilities. This facility shall be in operation at all times during any earth moving operations. The wheel washing facility shall be fully operational prior to any works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

16. The first 2 metres (minimum) length of the parking bays and the private accesses shall be surfaced across their full width. No surface water shall be allowed to egress from the parking bays, or from the private accesses, out onto the adoptable road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

17. That unless otherwise agreed, notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of any of the dwellings hereby approved without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

18. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

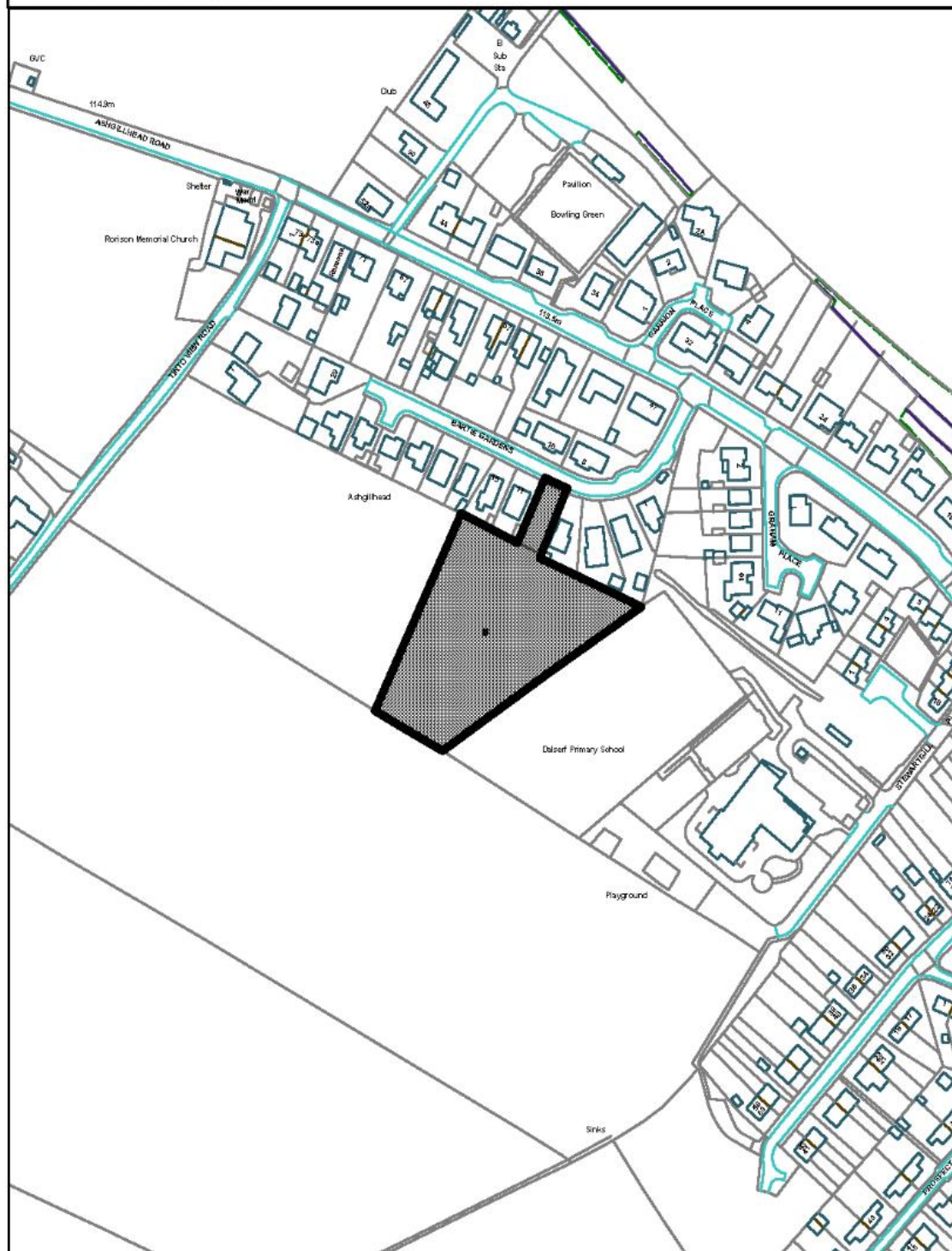
Reason: To ensure the provision of digital infrastructure to serve the development.

19. That a turning area and sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements and under no circumstance shall vehicles associated with the site cause an obstruction on the public road network. A plan showing the turning area and location and number of spaces for site staff/operatives shall be submitted to and approved by the Council as Planning and Roads Authority prior to any works commencing on site.

Reason: In the interests of traffic and public safety.

P/20/0129

Land at Bartie Gardens, Ashgill



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Scale:  
1:2,500  
Date:  
28/08/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

6

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1794
Planning proposal:	Erection of 50 residential dwellings, associated landscaping and infrastructure

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Stewart Milne Homes Central Scotland
Location:	Land 110M Northwest of Littlepark Cottage Jackton Road East Kilbride Glasgow South Lanarkshire

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015):**  
Policy 2 Climate Change  
Policy 4 Development management and placemaking  
Policy 5 Community infrastructure assessment  
Policy 12 Housing land  
Policy 13 Affordable housing and housing choice  
Policy 16 Travel and transport  
Policy 17 Water environment and flooding

**South Lanarkshire Local Development Plan  
(Supplementary Guidance)**

## **Development Management, Place Making and Design**

DM1 Design

### **Affordable Housing and Housing Choice**

### **Sustainable Development and Climate Change**

SDCC 2 - Flood risk

SDCC 3 - Sustainable drainage systems

SDCC 4 - Water supply

SDCC 5 - Foul drainage and sewerage

### **Proposed South Lanarkshire Local Development Plan 2**

Policy 2 Climate Change

Policy 5 Development Management and Placemaking

Policy 11 Housing

Policy 12 Affordable Housing

Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding

Policy DM1 New Development Design

Policy SDCC2 Flood risk

Policy SDCC3 Sustainable Drainage Systems

Policy DM15 Water Supply

Policy DM16 Foul Drainage and Sewerage

#### **◆ Representation(s):**

▶	20	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

#### **◆ Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Jackton and Thorntonhall Community Council

West of Scotland Archaeology Service

Arboricultural Services

SEPA Flooding

Housing Planning Consultations

CER Play Provision Community

Education Resources School Modernisation Team



# **Planning Application Report**

## **1 Application Site**

- 1.1 The planning application site relates to an area of land to the south of the village of Jackton. The site sits to the south of Eaglesham Road and to the west of Jackton Road. The site is bounded by Eaglesham Road to the north and by recently developed Cala Homes houses to the west (EK/15/0071). A small group of existing older residential properties are located immediately to the east of the site. The site is fairly level, sloping gradually down towards the north at Eaglesham Road. There are a number of trees along the southern boundary, primarily within the group of properties at Little Park House. The site extends to approximately 2.82 hectares. The site is located in the East Kilbride Community Growth Area.

## **2 Proposal(s)**

- 2.1 The applicants propose the erection of a residential development of 50 dwellings, comprising, 43 detached and 7 terraced units, internal roads, parking areas and informal open spaces. All of the dwellings will be two storey and range from 3 bedrooms to 6 bedrooms. Two parking courts/off street parking spaces are provided to serve the terraced dwellings. All the properties will be finished externally with modern materials including brick, stone and rendered walls, concrete roof tiles and UPVC windows.
- 2.2 The development will be located on the existing access from Jackton Road to the recently developed Cala Homes development on Kavanagh Crescent (EK/15/0071). The development will retain the existing hedge, reducing it in height to 1.2m along the boundary with Eaglesham Road and will remove the remainder of hedging along the west side of Jackton Road. The mature trees along the southern boundary with Little Park properties will be retained, with many of the trees being located out with the development site. A small open landscaped area will be created in the centre of the site and new planting will also be provided around the perimeter of the site. The proposed Sustainable Urban Drainage System will include an underground cellular storage area adjacent to the existing pumping station on Jackton Road adjacent to the junction with Eaglesham Road. A second smaller underground cellular storage area will be located further south on Jackton Road close to the junction with Kavanagh Crescent.
- 2.3 The development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation, including a public exhibition held in the Greenhills Hall, Greenhills Crescent in East Kilbride, on 22 August 2019. A number of documents have been provided in support of the application, namely a Pre-application Consultation Report, Site Investigation Report, Planning Statement, Ecological Report, Tree Survey, Noise Impact Assessment and a Design and Access Statement.

## **3 Background**

### **3.1 Relevant Government Advice/Policy**

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable

locations and allocate a generous supply of land to meet identified housing requirements.

### **3.2 Local Plan Status**

- 3.2.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.2.2 In land use terms, the application site is identified within the adopted SLLDP as a forming part of the Council's housing land supply (Policy 12). In terms of those sites identified as part of the Council's housing land supply (Policy 12) their development for residential purposes is supported (subject to compliance with normal development management criteria), as this will assist the Council in meeting its housing needs.
- 3.2.3 With regard to normal development management criteria, a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 2 – Climate Change, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment Policy 13 - Affordable Housing and Housing Choice, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 3.2.4 These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics,
- Development Management, Place Making and Design SG 3  
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
  - Affordable Housing and Housing Choice SG 7
  - Sustainable Development and Climate Change SG 1  
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.

The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and result in no significant adverse impact.

- 3.2.5 In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced.
- 3.2.6 An assessment of the proposal against these specific policies is contained in Section 6 of this report.
- 3.2.7 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. In this instance, Policies 2, 5, 11, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 are relevant.

### 3.3 Planning History

- 3.3.1 Planning Permission in Principle (EK/11/0202) for the wider East Kilbride Community Growth Area was approved at Planning Committee in March 2012, subject to the conclusion of a Section 75 Legal Agreement in respect primarily of financial contributions towards infrastructure affected by the development. Following signing of the agreement, the planning permission was subsequently issued on 10/09/2020. In December 2017, two planning applications (EK/18/0023 and EK/18/0024) were submitted by Cala Homes for the development of 35 and 14 dwellings on the site. Neither of these applications have been determined to date, however, are expected to be withdrawn. As stated in paragraph 2.3 above, a Pre Application Notice (P/19/0010/PAN) was submitted in relation to the current proposal by Stewart Milne Homes in July 2019. The access road through this site, Kavanagh Crescent, was built as part of the previously developed adjacent site by Cala Homes (EK/15/0071).

## 4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – have no objections to the proposal subject to conditions being attached to any consent in respect of footway provision, Travel Information Pack, surface water drainage, parking provision requirements and a Traffic Management Plan.

**Response:** Noted. Appropriate conditions and advisory notes will be added to any consent issued.

- 4.2 **Education Resources School Modernisation Team** – have no objections to the proposed development.

**Response:** Noted. A Section 75 Legal Agreement has been concluded in respect of planning permission EK/11/0202, which also relates to this application site.

- 4.3 **Housing Services** – have no objections to the proposal however developer contributions would be required towards off site provision of affordable housing.

**Response:** Noted. A Section 75 Legal Agreement has been concluded in respect of planning permission EK/11/0202, which also relates to this application site.

- 4.4 **Community Services** – have noted the provision of an off-site woodland walkway for EK/11/0202 which satisfies the requirements for outdoor space and recreation.

**Response:** Noted.

- 4.5 **Jackton and Throntonhall Community Council** – object to the proposed development on the grounds that:-

**(a) The development does not conform to the South Lanarkshire Council CGA Master Plan Development Framework set out in Planning Application EK/09/0218.**

**Response:** The proposal development is outwith the area covered by the Master Plan, however, is identified in the South Lanarkshire Local Development Plan as a housing site and forms part of the wider East Kilbride Community Growth Area approved by Planning Committee under Planning Permission in Principle (EK/11/0202).

**(b) The development would represent undesirable ribbon development along the southern side of Eaglesham Road.**

**Response:** The site is identified in the South Lanarkshire Local Development Plan as a housing site and forms part of the wider East Kilbride Community Growth Area approved by Planning Committee under Planning Permission in Principle (EK/11/0202). It completes development between Jackton Road and the recently developed Cala Homes development at Kavanagh Crescent.

- (c) **The access would be via Jackton Road which is not suitable in terms of its construction and its junction with Eaglesham Road to accommodate the volume of traffic that would be generated by this and other proposed developments.**

**Response:** Roads and Transportation Services raised no objections to the proposed development. The suitability of the road networks has also been considered when the site was identified as a housing site as part of the wider CGA in the Local Development Plan.

- (d) **The applicants should be making financial contributions to infrastructure and educational facilities.**

**Response:** The applicant has agreed to make financial contributions towards affordable housing, education and roads and transportation facilities. These contributions are detailed in the legal agreement associated with planning permission EK/11/0202.

- 4.6 **Environmental Services** – have no objections, subject to conditions and advisory notes being attached in respect of contaminated land site investigation remediation, noise assessment, limiting construction noise and dust management and monitoring.  
**Response:** Noted. Appropriate conditions and advisory notes will be added to any consent issued.

- 4.7 **Roads Flood Risk Management** – have no objections to the proposed development subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance including a flood risk a Flood Risk/Drainage assessment (FRA) and completion of Appendices 1 -5.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

- 4.8 **Scottish Water** – have no objections to the proposed development.

**Response:** Noted.

- 4.9 **SEPA Flooding** – have no objections to the proposed development

**Response:** Noted.

- 4.10 **WoSAS** – have no objections to the proposed development subject to a condition in relation to the submission and approval of a programme of archaeological works in accordance with a written scheme of investigation prior to the commencement of works on site.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

- 4.11 **Arboricultural Services** – conditions require to be attached to any consent in respect of tree protection, pre-commencement site meeting and specific protection for trees along the southern boundary with Little Park properties.

**Response:** Noted. Appropriate conditions will be added to any consent issued.

## 5 Representation(s)

5.1 Statutory notification was undertaken and the proposals advertised in the local press for non-notification of neighbours. Following this, 20 letters of objection were received. The issues raised in all representations can be summarised as follows:-

- (a) **The proposed development is over development of the site, is a significant increase in number of dwellings from the previous Cala Homes planning applications on the site and is out of scale and of a different character to the existing Cala Homes development**

**Response:** The site is identified in the South Lanarkshire Local Development Plan as forming part of the Housing Land Supply and the site is considered suitable to accommodate 50 dwellings as proposed. The character of the proposed development, being predominantly detached dwellings, is not dissimilar to surrounding modern developments in the Eaglesham Road area in the west of East Kilbride.

- (b) **The site is Green belt and its development for housing is not justified and will have an adverse impact on the rural environment, ecology and cause an increase in pollution.**

**Response:** The site is identified in the South Lanarkshire Local Development Plan as forming part of the Housing Land Supply and has been assessed through the Local Development Plan Process as part of the wider East Kilbride Community Growth Area. The site is not designated as Green Belt, rather is identified as being within the settlement boundary. The applicants have submitted an Ecological Report and mitigation measures have been included in the design and conditions are proposed in respect of these measures.

- (c) **The proposed development will have an adverse impact on the character of the Eaglesham Conservation Area.**

**Response:** The proposed development site is located in East Kilbride and is not in close proximity to the Eaglesham Conservation Area and would be unlikely to have an impact on this designated Conservation Area.

- (d) **Jackton Road is narrow and unsuitable for additional traffic from this number of houses and the junction with Eaglesham Road is dangerous and requires to be improved to provide capacity for the additional traffic.**

**Response:** Roads and Transportation Services raised no objections to the proposal. Junction improvements are proposed at the junction with Eaglesham Road as part of the wider CGA road improvements. This will include the creation of a right hand turning lane on Eaglesham Road into Jackton Road.

- (e) **Plots 1, 2 and 9 are too close to the junction and using their driveways would lead to road safety issues for other road users.**

**Response:** Roads and Transportation Services raised no objections to the proposed parking and road layout. No changes to the proposed driveways at these plots were required.

- (f) **Plots 3 – 14 with driveways onto Kavanagh Crescent and a lack of on street parking bays for large houses will lead to road safety issues with cars parking on the street narrowing the road width, especially after 2021 when new laws about parking on pavements come into force. There is a general lack of on-street parking bays on the site.**

**Response:** Roads and Transportation Services raised no objections to the proposed parking and road layout. The parking provision has been assessed and meets with the current required standards.

- (g) The on-street parking spaces for the terraced houses are too close to the junction opposite and will lead to road safety issues.**

**Response:** Roads and Transportation Services raised no objections to the proposed parking and road layout. The parking provision has been assessed and meets with the required standards.

- (h) There should be a footway provided along Jackton Road to the Eaglesham Road junction.**

**Response:** A footway is proposed along the western side of Jackton Road linking the proposed development with Eaglesham Road.

- (i) The proposed footway along Eaglesham Road suggests it will be 2m wide. The existing footway is not 2m wide.**

**Response:** A condition would be attached to any consent issued requiring a 2m wide footway be formed along this stretch of Eaglesham Road.

- (j) The arrangement of plots 42, 43 and 44 are such that they will have an adverse impact on the privacy of the existing properties, particularly no. 2 Kavanagh Crescent with short rear gardens and less than 20m between the windows of no.2 and plot 42. The proposed fencing layout does not sit well with the existing walls and fences in the Cala development at this location.**

**Response:** These plots have been moved forward following discussions between the existing resident and Stewart Milnes Homes. The relocation has provided a longer rear garden length and a window to window distance of more than 20m. The fencing and walling detail has also been altered to resolve the issue.

- (k) The house type proposed at plot 48 is a three storey house, with living space in the roof, which is higher than the other houses. It is overbearing and will lead to a loss of privacy and light for existing properties to the rear, particularly no. 12 Kavanagh Crescent.**

**Response:** Although this house type is higher than neighbouring properties, it is a two storey house with living space in the roof which is lit by velux style window rather than dormer windows. The window to window distance between the existing properties and the proposed house is greater than 20m, approximately 22.5m, therefore, it is not considered that the proposed house will have a significant adverse impact in terms of privacy or loss of light.

- (l) The proposed boundary fence and retaining structures at the rear of the plots 42 to 50 will block access for maintenance of the existing rear fences in the Cala houses.**

**Response:** It is proposed by the developer to utilise the existing rear fencing which is on a mutual boundary between the two developments. The developer would be erecting internal side fences which would not be attached to the existing rear fences. The existing fencing could be maintained from inside the rear gardens of the existing properties.

- (m) The proposed rear retaining structure and 1.8m fence at plot 50 will block the view and light from the existing property at 18 Kavanagh Crescent.**

**Response:** Given the topography and level at this location and the position of the existing house and plot 50 it is not considered that the proposed boundary treatment will block light from the existing property. The loss of a view is not a material planning consideration.

- (n) **There is a lack of play areas and open space provided in the proposed development and no remaining facilities in the surrounding area. This will lead to residents using the open space in the Cala development on Kavanagh Crescent.**

**Response:** The development proposes a small area of open space in the centre of the site close to plots 42 and 43 together with areas around the edge of the site. There are also proposals in the wider Community Growth Area to provide play areas and larger areas of open space.

- (o) **There is no landscape buffer proposed between the development and the existing Cala houses which previous applications had proposed.**

**Response:** In relation to potential amenity impacts, it is not considered that a landscape buffer is required between the existing and proposed residential properties.

- (p) **The development will result in the loss of hedgerows which are important to wildlife in the area and no replacement hedgerows are proposed.**

**Response:** Although the remaining hedge along the west side of Jackton Road and a section of hedge on Eaglesham Road closest to the junction with Jackton Road will be removed, the development includes a range of planting including hedges throughout the site.

- (q) **There are existing drainage problems in the area in that the existing drainage and sewerage system is inadequate causing flooding particularly in the north east corner of the site close to the pumping station. The proposed development will increase the drainage and flooding problems in the area.**

**Response:** SEPA and Roads and Transportation Services Flood Management Section have been consulted and have raised no objection to the proposed development. Conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance and submission of an up dated Flood Risk/Drainage Assessment (FRA) will be attached to any consent issued.

- (r) **The development will have an adverse impact on the White Cart Flood Prevention Scheme and flood protection for the city of Glasgow and the wider area.**

**Response:** SEPA and Roads and Transportation Services Flood Management Section have been consulted and have raised no objection to the proposed development. Conditions in relation to the implementation of a Sustainable Drainage Design designed and independent check in accordance with the Council's SUDS Design Criteria Guidance and submission of an up dated Flood Risk/Drainage Assessment (FRA) will be attached to any consent issued. It not considered likely that the development would have an adverse impact on the wider flood protection schemes.

- (s) **The construction of the development will have an adverse impact for existing residents in respect of noise, dust, smells, hazardous materials, disturbance and road safety, damage to the road, with the construction vehicles using the only access, Kavanagh Crescent, to the existing houses. Access for existing residents must not be obstructed during the construction period.**

**Response:** A number of conditions will be attached to any consent to control these issues. These would include the submission and approval of a Construction Traffic Management Plan prior to any work starting on site. This would address arrangements for construction vehicle parking in order to minimise disturbance to existing residents.

- (t) **The development does not make any provision for bus stops and there are no bus stops on the existing roads which restricts future transport options for school transport and other bus services.**

**Response:** The provision of bus stops and access to the wider bus network is being addressed through the East Kilbride Community Growth Area planning permissions, associated legal agreements and conditions which would be attached to any planning consents issued.

- (u) **Questions the range of tenure on the site, whether any of the houses will be affordable housing or other types of shared ownership.**

**Response:** All of the properties in the development will be sold as private sector housing. The developer will be required to make a financial contribution towards the provision of affordable housing in the wider area.

- (v) **The plans do not show the proposed new roundabout on Eaglesham Road.**

**Response:** The location of any proposed roundabout is associated with the East Kilbride CGA and is not part of this development. The main spine road and associated roundabout has been granted planning permission (EK/17/0305). Roads and Transportation have assessed the proposed development under consideration to ensure that it is compatible with the wider CGA proposals.

- (w) **Copies of the builder's environmental impact assessment procedures must be made available to all current residents so that we can all see proper procedures are being adhered to.**

**Response:** The developer has submitted a number of documents in support of the application, including Site Investigation Report, Noise Impact Assessment and an Ecological Report which are all available to view on the Council website. In addition, an Environmental Statement was submitted and assessed as part of the East Kilbride Community Growth Area application (EK/11/0202). A further formal Environmental Impact Statement was not required for this current planning application for 50 houses.

- (x) **What measures are in place to ensure that the developer adheres to the approved plans?**

**Response:** The developer will be required to comply with all planning conditions and the approved plans. The development will be monitored by the Planning Service to ensure compliance and procedures are in place to address any issues that may arise.

- (y) **Kavanagh Crescent is in private ownership at present and the residents of the existing Cala houses contribute financially to the up keep of the landscaping along the road by a factor.**



**Response:** This stretch of road has not been adopted by the Council to date and the arrangements and costs for the up keep of the road are a matter for the owners of the land and are not a material planning consideration.

**(z) The proposed development will have an adverse impact on the value of properties in Dale Avenue.**

**Response:** Property values are not a material planning consideration.

5.3 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 The applicants propose a residential development of 50 dwellings, comprising, 43 detached and 7 terraced units, internal roads, parking areas and informal open spaces. In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.
- 6.2 Policy 4 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment. The design and scale of the proposed development is considered acceptable in this location. The site is identified in the South Lanarkshire Local Development Plan as forming part of the Housing Land Supply and the site is considered suitable to accommodate 50 dwellings as proposed. The proposed development layout is appropriate in this location and complies with the guidance set out in the Residential Design Guide, in respect of window to window distances, providing suitable garden ground and off street parking for each property, sufficient open space and landscaping and provides a range house types. Roads and Transportation Services are satisfied with the proposed road layout, access and parking provision. The proposed development is considered to be consistent with Policy 4 and with the policy guidance set out within the associated Supplementary Guidance Development Management, Placemaking and Design.
- 6.3 As set out above, the site is identified as a proposed housing site (Policy 12). Residential development of the site is therefore acceptable, subject to compliance with normal development management criteria. The site is, therefore, considered acceptable in terms of the designation as a housing site with the adopted SLLDP.
- 6.4 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The impact of the proposal on the local road network and in terms of parking provision has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions being attached to any consent in respect of footway provision, Travel Information Pack, surface water drainage, parking provision requirements and a Traffic Management Plan. The proposal can therefore be considered acceptable in transportation and road safety terms.

- 6.5 The application site forms part of the wider East Kilbride Community Growth Area which has been granted planning permission (EK/11/0202) and is identified in the South Lanarkshire Local Development Plan as a development priority encouraging sustainable economic growth of East Kilbride. It is, therefore, considered to be in a sustainable location. Given the site's location, it is considered that the site can be appropriately serviced in terms of water and sewerage. No objections have been received from consultees in this regard. Conditions will be attached in respect of the detailed submission and implementation of a Sustainable Drainage Design. The proposal is therefore acceptable when assessed against Policy 2 – Climate Change and Policy 17 - Water Environment and Flooding of the SLLDP and the Sustainable Development and Climate Change Supplementary Guidance.
- 6.6 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. The application site falls within the application site boundary of part of the East Kilbride CGA covered by planning permission in principle EK/11/0202. This permission includes a legal agreement setting out the requirements for developer contributions and works to cover roads and transportation infrastructure, education facilities, community facilities and affordable housing. The principle of developer contributions and associated works to mitigate infrastructure impacts for the CGA has therefore already been established and agreed. For clarification, this CGA legal agreement includes the application site boundary relating to the planning application under consideration (P/19/1794) and, therefore, the associated share of developer contributions relative to this site has already been agreed and approved. As such, it is considered that all matters relating to community infrastructure assessment set out in Policy 5 have been addressed and the proposed development is in compliance with this policy. In terms of Policy 13 (Affordable Housing), it is noted that the proposal under consideration does not include any on-site affordable housing. However, planning permission EK/11/0202 does include proposals for on-site affordable housing, together with a commuted sum for the area covered by planning application P/19/1794, which is considered to satisfy the requirements of Policy 5 and those of Policy 13 - Affordable Housing and Housing Choice.
- 6.7 The proposed development has been considered against the relevant policies in the Proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accords with Policies 2, 5, 11,12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 in the Proposed plan.
- 6.8 Twenty letters of objection were received in respect of the proposal, the grounds of which have been addressed in Section 5 above and do not merit refusal of the application. The requirements of the statutory consultees have been addressed through the use of conditions where appropriate.
- 6.9 In summary, it is considered that the proposal conforms to development plan policy and that the proposal raises no significant environmental or infrastructure issues. Following a full and detailed assessment of the proposed development, it is considered that the proposed development is in accordance with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance and the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and on that basis, it is recommended that planning permission is granted.

## **7 Reasons for Decision**

- 7.1 The proposal complies with Policies 2, 4, 12, 13, 16 and 17 of the Adopted South Lanarkshire Local Development Plan and with associated Supplementary Guidance Development Management Place Making & Design and Sustainable Development. The proposal also complies with Policies 2, 5, 11, 12, 15, 16, SDCC2, SDCC3, DM1, DM15 and DM16 of the Proposed South Lanarkshire Local Development Plan 2.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020

### **Previous references**

- ◆ Planning Permission EK/11/0202
- ◆ Planning Permission EK/15/0071
- ◆ Planning Application EK/18/0023
- ◆ Planning Application EK/18/0024

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 05.12.2019
  
- ▶ Consultations
  - Roads Development Management Team 13.01.2020  
&  
03.09.2020
  - Environmental Services 27.05.2020  
&  
27.05.2020
  - Roads Flood Risk Management 09.01.2020
  - Scottish Water 12.12.2019
  - Jackton and Thorntonhall Community Council 07.01.2020
  - West of Scotland Archaeology Service 06.12.2019
  - Arboricultural Services 03.04.2020
  - SEPA Flooding 21.01.2020
  - Education Resources School Modernisation Team 20.12.2019

► Representations	Dated:
Ms Kelly Simms, 31 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Lucy Cooper, Received Via Email	28.01.2020
Mrs Gail Smith, Lawside, Jackton Road, Jackton Glasgow, South Lanarkshire, G75 8RR	21.12.2019
Mrs Carolyn Haddow, 21 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	24.12.2019
Mr Matt Quinn, 29 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	07.12.2019
Mrs Lucy Clarke, 19 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	22.12.2019
Mr Garry McGregor, 16 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	25.12.2019
Mr Gary Rowe, 3 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Mr Stephen Smith, 6 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	20.12.2019
Ms F Gellatly, 14 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	20.12.2019
Mr Malcolm McMichael, 8 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	24.12.2019
Mrs Marie McNally, 12 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	25.12.2019
Mr Robert Gardiner, 18 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	18.12.2019
Mr Guerino Marini, 2 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Mr Mark Noble, 11 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	15.12.2019
Mrs Geraldine Davis, 5 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	16.12.2019
Mr Ritchie Gilchrist, South Craighall Farm, Jackton Road, Jackton Glasgow, South Lanarkshire, G75 8RR	19.12.2019
Mr Craig Sinclair, 14 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	20.12.2019
Mr Gordon Gilmour, 7 Kavanagh Crescent, East Kilbride, Glasgow, South Lanarkshire, G75 8WS	24.12.2019
Audrey Scott, Received Via Email	30.12.2019

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455053

Email: [morag.neill@southlanarkshire.gov.uk](mailto:morag.neill@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

02. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

05. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garage.

Reason: To safeguard the residential amenity of the area.

07. That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the provision of a satisfactory land drainage system.

08. That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 7 above.

Reason: To ensure the timeous provision of a satisfactory drainage scheme.

09. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: To ensure the provision of a satisfactory sewerage system.

10. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

11. That before the development starts, a certificate or report from a recognised firm of chartered engineers shall be submitted to the Council as Planning Authority confirming the structural stability of all retaining walls. Thereafter the developer shall incorporate the full recommendations and requirements of the certificate or report in the design and construction of the development approved under this consent.

Reason: In the interest of public safety

12. That should more than 6 months elapse from the date of the protected species survey and the commencement of works, a further survey shall be carried out and no work shall commence until the applicant receives written confirmation from the Council as Planning Authority.

Reason: In order to retain effective planning control

13. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1,2,3,4 & 5).

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

14. That the development hereby approved shall not commence until surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 13 above.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

15. Prior to the commencement of development the preferred remediation option, in relation to land contamination, as set out in the recommendations of the "Report on Site Investigations" dated 18 January 2018, Project Ref P17/415, by Mason Evans Partnership Ltd, shall be submitted to approved by the Council as Planning Authority and thereafter implemented in full.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

16. (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

17. Prior to the occupation of each dwellinghouse on the site, the occupier shall be provided with a Travel Information Pack covering public transport and active travel options to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

18. That unless otherwise agreed and prior to the occupation of the first dwelling, a new 2m wide footway shall be provided along Jackton Road between Eaglesham Road and the existing access road Kavanagh Crescent to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.



19. That unless otherwise agreed and prior to the occupation of the first dwelling, the existing footway along Eaglesham Road from Jackton Road to the footpath link opposite Hayhill Road shall be upgraded and widened to a minimum of 2m and where possible, retaining the existing hedge to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

20. That before any works starts a Traffic Management Plan (TMP) for that construction phase with information such as, but not limited to, construction phasing, site deliveries routing/timings, construction compound layout, turning facilities, site car parking for visitors and site operatives and wheel washing facilities shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service.

Reason: In the interests of traffic and public safety.

21. The recommendations contained within the approved Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety

22. That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

23. That before the development is completed or brought into use, the surface of all driveways and parking areas shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material entering the road.

24. That for the avoidance of doubt no built development shall take place on the existing culverts on site.

Reason: To ensure the provision of a satisfactory land drainage system.

25. The applicant shall undertake a noise assessment to determine the impact of noise from businesses on Jackton Road, East Kilbride, currently operating as Findlay's Garage and Quiklay on the proposed development using the principles set out in British Standard BS4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority prior to the commencement of development and shall identify-

1- the maximum Rating Levels (Including penalties either subjective or objective as appropriate)

2- the statistical average Background Noise Level to which any part of the development will be exposed.

Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from the noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority. (The Background Noise Level for the most sensitive period that the source could operate should be used for this assessment).

Reason: In the interests of residential amenity.

26. Unless otherwise agreed in writing with the planning authority and notwithstanding the plans hereby approved, the findings and recommendations of the "The Noise Impact Assessment for the Housing Development at Jackton Road, East Kilbride, G75, Technical Report No. R-8601-NS1-RRM" dated 1 October 2019 by RMP shall be implemented in full, including the close boarded acoustic screening and higher specification glazing shall be implemented to the satisfaction of the Council as Planning Authority. Should the orientation of any of the dwellings be altered from that shown in the approved plans, additional noise attenuation may be required.

Reason: In the interests of residential amenity.

27. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

28. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

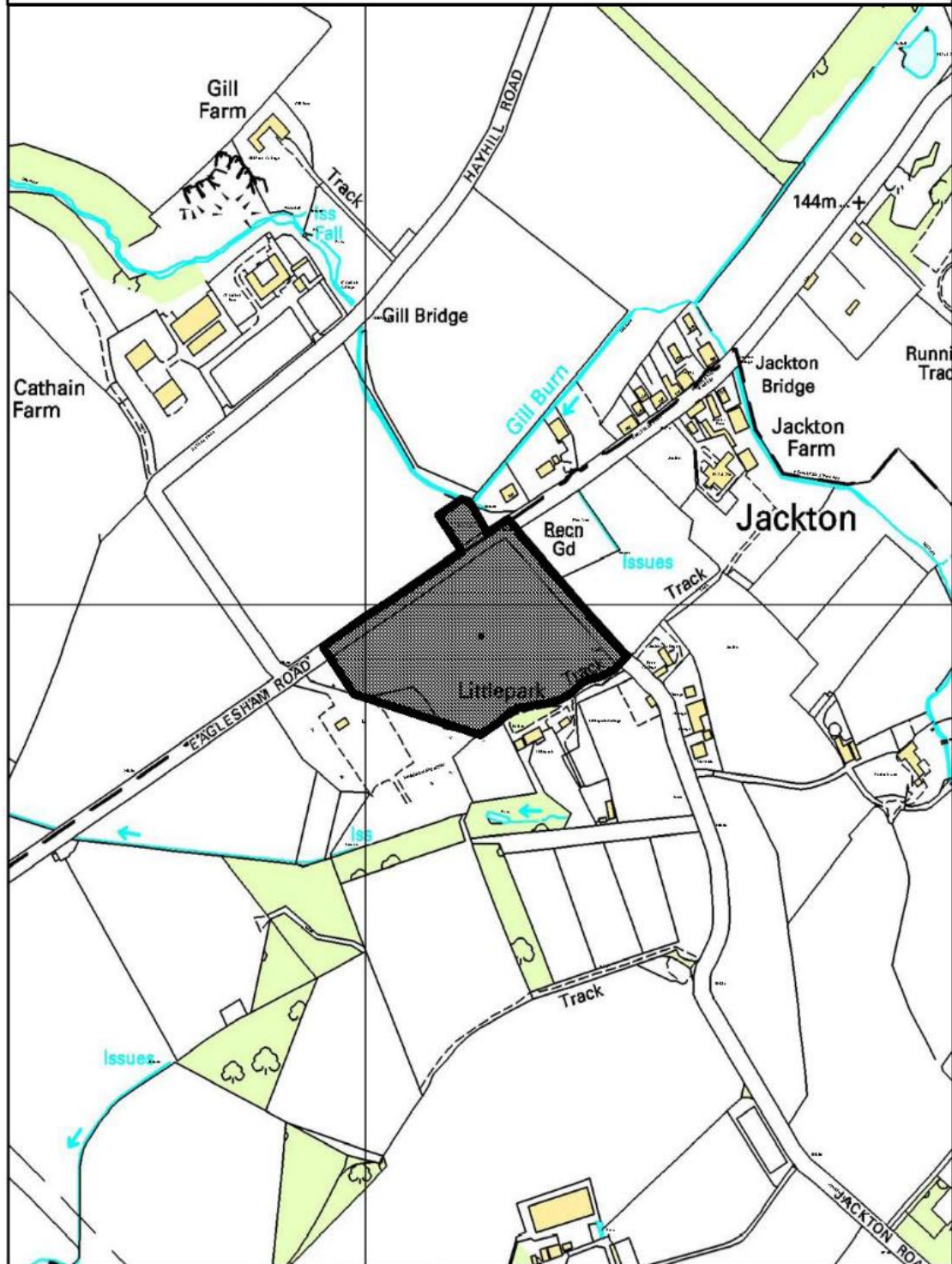
Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

29. That no trees within plots 1, 3, 4, 5, 6 or 7 shall be lopped, topped, pollarded or felled, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

P/19/1794

Land 110m Northwest of Littlepark Cottage, Jackton Road, East Kilbride



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Scale:  
1:5,000  
Date:  
27/09/2020



South Lanarkshire Council  
Community and Enterprise Resources  
Planning and Economic Development

# Report

7

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1807
Planning proposal:	Formation of fishing ponds and associated facilities (Section 42 application to vary condition 25 attached to planning permission CL/12/0511, to enable an extension of the extraction period by a further 6 years)

## 1. Summary application information

Application type:	Further application
Applicant:	Onyx Leisure Ltd
Location:	Woodend Farm B7016 From Forth A706 To Carnwath A70 Carnwath ML11 8LR

## 2. Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant further application (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.  
 (2) A request for a pre-determination hearing has been made by objectors. The request does not accord with the Council's guidance on hearings.

## 3. Other information

- ◆ Applicant's Agent: Maura McCormack
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan:**  
 Policy 2 - Climate change  
 Policy 3 General Urban Areas  
 Policy 4 Development management and placemaking

### **Supplementary Guidance 3: Development Management, Placemaking and Design**

Policy DM14 Tourist facilities and accommodation

**Supplementary Guidance 2: Green Belt and Rural Area** Policy GBRA1 Economy/business related developments

## **Proposed South Lanarkshire Local Development Plan 2**

Policy 2 Climate change

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking

Policy 6 Visitor Economy and Tourism

Policy 19 Minerals Development

Policy GBRA2 Business Proposals within Green Belt and Rural Area

## **Minerals Local Development Plan**

Policy MIN1 Spatial framework

Policy MIN2 Environmental protection hierarchy

Policy MIN3 Cumulative impacts

Policy MIN4 Restoration

Policy MIN5 Water environment

Policy MIN7 Controlling impacts from extraction site

Policy MIN8 Community benefit

Policy MIN12 Transport

Policy MIN15 Site monitoring and enforcement

### **◆ Representation(s):**

▶	10	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

### **◆ Consultation(s):**

Environmental Services

SEPA Flooding

Roads Flood Risk Management

Health and Safety Executive

SNH

## **Planning Application Report**

### **1. Application Site**

- 1.1 The application site lies to the east of the B7016 approximately 2km to the north of Carnwath between a conifer plantation and the Dippool Water. The site occupies a total area of 17.3 hectares, with access (approximately 1km in length) being taken from an existing track taken directly off the B7016. The existing access currently serves Woodend Farm (which sits immediately adjacent to the B7016) and Scott's peat extraction operations which neighbours the western boundary of the site.
- 1.2 The site is bounded to the north and east by open farmland, to the west by the peat extraction works, and to the south by a conifer plantation. The Kames SSSI (a geological feature formed by glacial deposits) sits along the edge of the access track and the plantation. Further east is the Glasgow – Edinburgh main railway. Couthally Castle Scheduled Ancient Monument lies 500 metres to the south of Woodend farm.
- 1.3 Work has already started on site with a pond already partly formed, access and hard standing and compound with site office has been established while over the site there are mounds of excavated sand and gravel. In addition a limited amount of inert material has been brought onto the site which will be used to create a level area for future parking and landscaping.

### **2. Proposal(s)**

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance, the applicant wishes to vary the terms of condition 25 attached to planning permission CL/12/0511 which was granted in April 2013 for the creation of 4 fishing ponds through the extraction of sand and gravel from the raised mounds at the forestry edge. Most of the extracted material will be redistributed around the site to create walkways, landscaping, car parking and other associated facilities. The intention is to export approximately 45,000m<sup>3</sup> of excess sand and gravel and import 45,000 m<sup>3</sup> clay which will be used to line the ponds to prevent filled water soaking away. A processing area will be established in the south west corner to grade and wash the material to be exported and silt and wash lagoons will be formed to deal with silt and to recycle water. Screen mounds for the lagoons will be formed from overburden along with a series of mounds which will eventually be landscaped with a mixture of deciduous and evergreen trees. The lagoons will be allowed to silt up after which grassland will be reinstated. The existing access road will be upgraded and extended to facilitate construction, extraction and future visitors to the fishery. A car park will be established on the western extremity of the site at the end of the access track. It was anticipated, at the time the application was processed, that the creation of the ponds would take place in three phases over a three year period with 15 lorry loads a day to remove sand and gravel off the site at a rate of 1500 tonnes per week.
- 2.3 Condition 25 of the original consent states:

'All extraction operations on the site shall be discontinued not later than 3 years from the date of commencement and, within a period of 12 months from this discontinuance date, the entire site shall be restored in accordance with the approved restoration plan to the satisfaction of the Council Planning Authority.'

Notification of commencement of work was issued on 22 February 2016 before the consent expired.

- 2.4 This current Section 42 application requests that condition 25 be amended to extend the period for discontinuance of extraction until 1 February 2025. The original applicant sold the site to Southern Minerals Ltd who went into receivership in February 2018, which has resulted in, a cessation of activity and over the intervening years there has only been limited site preparation works. The site has now been purchased by Onyx Leisure Ltd who wish to complete the approved unfinished works and restore the land in accordance with the approved restoration plan. The request for an extension by a further six years represents a realistic and cautious timescale. A restoration bond has been agreed involving three phased payments – the first payment has already been received. No other changes are proposed to any of the planning conditions attached to CL/12/0511 as part of this Section 42 planning application.
- 2.5 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.
- 2.6 It should be noted that, whilst the applicant is not proposing to amend any other conditions of the Original Permission, several of the conditions on that consent related to pre-construction requirements which have now been discharged. It is, therefore, within the power of the Council, as Planning Authority, to make any other amendments to conditions if minded. In this case any recommendation of approval would only result in conditions that are still extant and required.

### **3. Background**

#### **3.1 Local Plan Status**

- 3.1.1 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:-

- Policy 2 Climate Change
- Policy 3 Greenbelt and Rural Area
- Policy 4 Development Management and Placemaking

- 3.1.2 The following approved Supplementary Guidance documents support the policies in the SLLDP:-

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design

- 3.1.3 In March 2016, the Planning Committee decided that the Minerals Local Development Plan and the proposed South Lanarkshire Local Development Plan 2 (SLLDP2) be amalgamated into one Local Development Plan; that separate statutory



Supplementary Guidance on Minerals would be prepared; and that until SLLDP2, is approved and adopted that Non-Statutory Planning Guidance on Minerals (NSPG) be produced. The NSPG has been prepared and approved and it contains the following policies against which the proposal should be assessed:-

- Policy MIN1 – Spatial framework
- Policy MIN2 – Environmental protection hierarchy
- Policy MIN3 – Cumulative impacts
- Policy MIN4 – Restoration
- Policy MIN5 – Water environment
- Policy MIN7 – Controlling impacts from extraction sites
- Policy MIN8 - Community benefit
- Policy MIN12 – Transport
- Policy MIN15 – Site monitoring and enforcement

3.1.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:-

#### Volume 1

- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 19 Minerals Development

All these policies and guidance are examined in the assessment and conclusions section of this report.

### 3.2 Relevant Government Advice/Policy

3.2.1 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water. SPP also promotes economic activity and diversification in the rural area including development linked to tourism and leisure while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced.

### 3.3 Planning Background

3.3.1 Planning Permission CL/12/0511 was granted for the formation of fishing ponds and associated facilities in April 2013.

## 4. Consultation(s)

4.1 **Health and Safety Executive (HSE)** – No response to date.

**Response:** The reason HSE was consulted was a small section of the access track falls within the buffer zone of a high pressured gas pipe line. However, the track is existing and the proposed fishing ponds lie a significant distance from the buffer zone therefore there are no health and safety implications or impact upon the pipeline.

- 4.2 **SNH** – No response to date. However, in their response to the original application, they advised that the Carstairs Kames SSSI would not be affected by the proposal. Mitigation measures relative to badgers, otters and breeding birds outlined in the ecological report were welcomed. In addition, there should be pre-construction checks for badgers and otters at the start of each phase and at 6 monthly intervals throughout the construction period.  
**Response:** Noted. Previous conditions requiring otter and badger surveys have been reapplied.
- 4.3 **Flood Unit** – No response to date. However, it is noted that, they did not object to the original application.  
**Response:** Noted. Previous conditions covering drainage and flooding have been reapplied.
- 4.4 **SEPA Flooding** – No objection as there is no alteration to the proposal other than a time extension. The applicant is expected to comply with the terms of the existing CAR licence for this site.  
**Response:** Noted.
- 4.5 **Environmental Services** – Advised on the original application that as the construction phase was to be temporary an advisory note making reference to the need to comply with under BS5228 to control noise on construction and open sites was sufficient. The time span since the approval and the proposed extension, based on the method statement, now indicates that conditions should be updated to reflect Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings. Further information should be provided to determine the extent of quarrying operations within the proposed extension with a view to noise and dust mitigation  
**Response:** The proposal still involves a temporary excavation period until the completion of the ponds. There is no change to the extent or quantity of excavated materials. Conditions covering dust management attached to the original consent have already been discharged. A condition is however now proposed requiring compliance with the approved plan throughout the excavation period. The nearest dwellings are a significant distance from the excavation area and there is no increase in anticipated vehicle numbers. Noise issues can continue to be addressed by the use of conditions or informatives.
- 4.6 **Roads and Transportation Services** – Carnwath Road is in good condition and shows no sign of deterioration near Woodend Farm and, therefore, in this instance an agreement is not required to protect against wear and tear. Whilst it is difficult to benchmark the private access wear and tear, some form of agreement should be in place between the developers and the private access proprietors.  
**Response:** Noted. If consent is granted a condition will be attached requiring the submission and approval of a maintenance agreement covering the access road.

## **5. Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local paper as a bad neighbour development and for non notification of neighbours. In response 10 letters of objection and one comment letter has been received. The issues raised have been summarised below.

### **a) Damage to ground by vehicles accessing the site.**

**Response:** The developer has a legal right of access over the access track and, therefore, any damage to ground is a legal matter between the applicant and the affected landowner. Notwithstanding the applicant is currently

negotiating an agreement to use the track serving the peat extraction site which would bypass the current access thereby avoiding future conflict.

- b) **Supporting Statement refers to the funding for the restoration being predicated on the successful outcome of this application to extend the time period. This is contradictory and unclear.**

**Response:** The original consent was subject to a condition that required the submission of a restoration bond. This has now been agreed and submitted involving payment over three phases. The first payment has been received.

- c) **Some properties were not notified.**

**Response:** Ownership notices have now been served on the co-owners of the access track.

- d) **The road has not been kept clear of debris as required by condition 07 of Planning Permission CL/12/0511. A wheel wash was to be installed to address this issue.**

**Response:** The condition in question required the public road to be kept clear of mud. An additional condition would be attached to any new consent requiring a wheel wash facility.

- e) **Damage to the road surface.**

**Response:** Roads and Transportation Services have not advised that there has been damage to the road. They however have powers of investigation and enforce repair where required.

- f) **The use of unsheeted loaded vehicles is a concern with regards safety.**

**Response:** A condition has been added requiring all laden lorries entering and leaving the site to be sheeted.

- g) **Noise and disturbance from vehicles at all times of the day and night. Times for construction activity have not been complied with.**

**Response:** A condition to limit construction activity to between 8.00am and 7.00pm Monday to Friday, 8.00am to 1.00pm on Saturdays and at no time on Sundays and Public holidays will be attached to the decision notice, if consent, is granted.

- h) **Original report for CL/12/0511 referred to 15 lorry loads per day. Unfortunately there has been a lot more than 15 loads per day.**

**Response:** A condition has been attached requiring the submission and approval of a Traffic Management Plan detailing traffic movements. If permission is granted this condition will be enforced where there is evidence of a breach.

- i) **Locked gates to the site will create a parking nuisance.**

**Response:** The gates have been erected to prevent the theft of material. If public and contractors are aware of opening and closing times this should not be a problem.

- j) **The difficulty for two heavy goods vehicles to easily pass each other. Traffic straying off the road onto the peat bog.**

**Response:** The title deeds for the track allow for the upgrading and widening of the access track where necessary. It is the responsibility of the operator to co-ordinate traffic movements to avoid conflict with lorries entering and leaving the site. A Traffic Management Plan condition will be attached requiring details

of daily traffic movements. The extension of the time period will help avoid excessive vehicle movements and potential conflicts.

- k) **Details of surface water drainage have not been submitted.**  
**Response:** A condition has been attached requiring the submission of these details.
- l) **Condition 22 requires that the silt and fresh water lagoons shall be properly lined – no evidence that this has been complied with.**  
**Response:** This condition has been replicated as condition on the paper apart. This is not an issue at the moment as the ponds have not been fully excavated, however, monitoring will ensure that this is implemented.
- m) **Activities so far relate to quarry rather than construction of fish ponds.**  
**Response:** Ground excavation is required to enable the construction of the fish ponds. This application seeks to extend the time period for creating the ponds which has been delayed for financial reasons.
- n) **Lorries travelling at an unacceptable speed.**  
**Response:** A condition will be attached requiring the installation of speed signage along the access track.
- o) **Road entrance has not been maintained.**  
**Response:** The applicant has given a commitment that the road will be maintained to a satisfactory standard. If consent is granted this matter will be closely monitored to ensure compliance with relevant conditions covering the access road.
- p) **Materials have been dumped on site with no consideration on how this will affect fish and wildlife in the area.**  
**Response:** The intention was that the proposed landscaped area, carparking etc was to be formed from sand overburden however due to an overlying layer of peat this had proved to be ineffective because of ground instability. An inspection of the land has revealed the importation of material onto the site and levelling of ground between the River Dippool and the area where ponds have been excavated and overburden is being stored. SEPA have confirmed that the applicant did obtain a licence to import inert construction waste. The agent further advised that this method of creating the finalised landscape will have no affect on the reinstatement as the inert landfill will simply be covered using the sand, gravel and aerated peat as a growing medium for grassland. Operations can be effectively monitored by the annual progress report as required by condition.
- q) **The access track is not correctly demarcated on the site plan (attached to the original planning permission) and does not show the area where it passes close to houses and farm buildings or its junction with the B7014.**  
**Response:** This is the same location plan approved under Planning Permission CL/12/0511 and the line of the access track does show the junction with the public road. Also as referred to earlier in point a) above the applicant intends using the section of track serving the peat extraction site, once agreement has been concluded, thereby avoiding the section which runs close to the farm steading.

- r) **Why is there such an extension to the time period when there are no changes to the design of the ponds?**

**Response:** Given the limited progress which had been made by the previous applicants, a further 6 years is considered a more realistic timescale to avoid excessive traffic movements and to allow for the importation of materials and landscaping to complete the development.

- s) **The applicant's registered name was changed from Onyx Minerals Ltd to Onyx Leisure only a few months ago. One would have to consider whether any of these companies actually intend to create fish ponds as an ultimate objective.**

**Response:** The identity of the applicant is not a planning matter. However, the application is for the creation of fish ponds through the extraction of sand and gravel and as such should be assessed on its individual merits.

- t) **Biggar and District Civic Society are satisfied that there will be no peat extraction and therefore do not want to object to the application.**

**Response:** Noted.

5.2 These letters are available for inspection on the planning portal.

### 5.3 **Deferral from August Committee**

5.3.1 This item was presented to the Planning Committee on 25 August 2020. During the discussion, a number of issues were raised and to enable a full response to and clarification on these matters, a decision on this application was deferred until information was available allowing reconsideration of the proposal. Following the decision made to defer the application, the applicant has submitted additional information in order to address the points raised. The issues raised at the August Planning Committee have been summarised below along with a corresponding response based largely on further information supplied by the applicant.

- a) **The access road cuts through third party land which has not been subject of a legal agreement and does not cover access to proposed fish ponds.**

**Response:** The applicant has provided the following information: The access road is in the ownership of four parties. Evergreen Garden Products Limited (formerly Scotts) own the land at the entrance. The title for this land contains a burden in respect of "payment of a share along with any other proprietors entitled to use the same, and that according to user, of the cost of maintenance, repair and renewal of the internal farm roads and gateways serving the same".

The second section of land is that which is owned by a Ms M Hill whose parents acquired farmland at Woodend from Mrs M Taggart in 2009. The access track was included in the conveyance but there was a reservation in favour of Mrs Taggart, her heirs and successors in title in terms of a right of access for pedestrian or vehicular traffic along the whole length of the track as well as a right to improve or upgrade the existing road or track as may be required or necessary for vehicular traffic in connection with any extraction or proposed extraction of minerals from the benefitted property. These rights have subsequently passed to Southern Minerals Ltd (the original applicants for the 2012 application) and then the current applicants Onyx leisure Limited.

A third section is owned by a Mr R McNally. The applicant has provided evidence that a legal agreement between them has been reached to allow access over this land.

The final section of the road is owned by Forestry and Land Scotland who are bound by the same mutual access agreement as the owners of Woodend Farm when it was sold by The Secretary of State for Scotland in 1956 and other parts of Woodend Moss which were retained until sold to the Forestry Commission and Scotia Peat Products respectively.

Finally, when Southern Minerals Limited acquired the site from Mrs M Taggart in 2017, a signed affidavit was provided by both Mr and Mrs Taggart, in terms of their use of the access track, for its entire length for a prescriptive period in excess of 20 years without interruption.

It should be noted that, ownership notices have been served on each of these parties which fulfils the applicants' obligation under planning legislation to notify other owners of the application site. Whether the applicant has agreement to use that land as part of the development is a private legal matter.

**b) Is the road which has been formed sufficient for purpose?**

**Response:** Agreement has been reached between Onyx Leisure Limited and the relevant landowners whereby all traffic connected with the leisure project will use an access situated further back from Woodend Farm. This access is better suited to the commercial operations at Woodend and will reduce noise, dust and traffic impact generally in so far as the residential properties in and around the farm buildings at Woodend are concerned. Traffic Management will be included as a condition if planning permission is granted. The applicant has advised this will include a speed restriction on internal roads and a programme of works including widening, the installation of further passing places and if necessary, the installation of digital traffic control systems. It is accepted that the road fell into a poor state of repair for 2 years while in the hands of the administrator for Southern Minerals Limited, but prior to that there was no issue from commencement of operations in 2016 until 2018.

**c) The access road crosses over a SSSI.**

**Response:** Although SNH did not respond to the recent consultation request, their response to the original Planning Permission CL/12/0511 confirmed that they had no objection (see para 4.2 above). The applicant further advises it is accepted that the access road passes through a small section of the SSSI. This has always been the case but it is outwith the moraines which are the subject of interest within the Carstairs Kames SSSI. Meetings have been held between the applicant and SNH with a view to negotiating an annual review of a compensation arrangement which existed between the parties over a period of 20 years.

**d) Failure to comply with conditions.**

**Response:** Since acquiring the site the applicant has made progress in addressing this issue. The applicant intends discharging the majority of the conditions within a short timescale or addressing these through the preparation of a revised long term reinstatement plan. ITP Energised as environmental consultants have been instructed to consider the hydrology/hydrogeology of the site and to liaise with SEPA in terms of PPC management and CAR activity.

**e) Wear and tear on the road – is there a need for a Roads bond?**

**Response:** Roads and Transportation Services have confirmed Carnwath Road is in good condition and shows no sign of deterioration near the development access at Woodend Farm and that in this instance there is no

need for an agreement to protect against wear and tear of the public road. It would be beneficial if a legal agreement between the developers and the private access owners is concluded however this is a private legal matter. Further the applicant advises arrangements have been made for the provision of a hard wearing surface for a distance of at least 25 m. on the farm entrance from the junction with the main road, along with a dropped kerb to delineate that junction. If planning permission is granted a condition will be attached requiring the submission and approval of a maintenance agreement for the full length of the access road.

**f) Timing of vehicle movements – late night/early morning.**

**Response:** Complaints in respect of out of hours vehicle movements relate in the main to the unauthorised removal of minerals from the site whilst in administration. Signage and clear instructions will be placed at the new entrance confirming the hours of operation of the site as determined in the planning consent and preventing access outwith those hours.

**g) Why is an additional 5 years needed when originally it was to be complete in 3 years?**

**Response:** The applicant has conducted surveys and time and motion studies and concludes that the original 3 year programme was unrealistic. Evidence of this exists on site in terms of the relatively little progress which was made during the time of operation by Messrs Taggart and Southern Minerals Limited. It is clearly in the interest of all concerned that the project reaches conclusion with reinstatement and commencement of the leisure activity as quickly as possible. Six years is however considered to be realistic and is a timescale supported by their consultant.

**h) Where would the wheel wash be situated?**

**Response:** The applicant advises that the wheel wash system will be located at a point close to the lane exit to the east of the new resurfaced area at the entrance to the site. It will be waterless, low level, unobtrusive and quiet. In this way it can work for both the peat farm and the leisure project and there will not be risk of debris remaining on the wheels of traffic using the comparatively long haul route from the site.

**i) The access road is too narrow to allow two lorries to pass.**

**Response:** The applicant advises that the use of the combined northern access route, installation of additional lay-bys and a traffic control system will resolve any issues which may have existed previously with an internal haul route which is fit for purpose.

**j) The speed of lorries.**

**Response:** An internal speed restriction will be rigorously implemented as part of the traffic management plan to be agreed with the Council.

## **6. Assessment and Conclusions**

- 6.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), and seeks to extend the time period for excavation of sand and gravel to be carried out to form fishing ponds on land at Woodend Farm near Carnwath. Section 42 of the Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

This type of application, therefore, does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst, in essence, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand-alone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). Should the proposed amendment to the condition(s) not be acceptable, a Section 42 application is to be refused but without affecting the status of the original permission.

- 6.2 In assessing whether any condition is still relevant there is a requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 25 is amended. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.
- 6.3 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance and the approved Non- Statutory Planning Guidance on Minerals.
- 6.4 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act. Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water. SPP is also supportive of leisure developments appropriate to a rural setting. Whilst the application requires the granting of a new planning permission for the formation of fishing ponds, it is in essence a request to amend one condition of an existing permission. The principle of the development has therefore been established and cannot be considered contrary to National Policy.
- 6.5 In terms of the adopted South Lanarkshire Local Development Plan Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Rural Area, unless they relate to uses which must have a countryside location. Policy 3 allows a relaxation for, inter alia, an extension of existing premises or uses. Supplementary Guidance 2: 'Green Belt and Rural Area' (SG2) further expands and supports the objectives of Policy 3. SG2 Policy GBRA1 'Economy/ Business Related Developments' states that new developments within the Rural Area may be acceptable where it is shown they respect existing landscape form, enhance the surrounding landscape, and involve the re-development of previously developed land. Proposals that promote leisure and tourism are considered to be appropriate countryside uses. It is considered that the principle of the development has already been deemed acceptable within the Rural Area through the granting of the original application and the proposed amendment to condition 25 has no further implications of the countryside strategy set out within the Development Plan. It is, therefore, considered that the proposals comply with the Development Plan in this regard.



- 6.6 Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by being sustainably located, having no significant adverse impacts on the water and soils environments, air quality and Biodiversity (including Natura 2000 sites and protected species). The proposals are a request for a time extension of 6 years to allow the formation of fishing ponds. The method of mineral extraction and restoration of the site has not changed in any other respect and does not involve any additional material being allowed to be imported or additional infrastructure being required to be created. It is, therefore, considered that the proposals comply with the relevant criteria of this policy.
- 6.7 Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development should be integrated with the local context and landscape. The proposals are to extend the lifetime of the extraction period by a further 6 years. It is considered that, in terms of both landscape and visual impact, this time period would have a long term adverse impact upon the landscape. The site is currently well screened in the context of the wider area by woodland and topography. The distance from the nearest public road further reduces the visual impact. Once complete the fishing ponds and associated landscaping will be a feature which integrates with and enhances the landscape quality of the area. In addition, the residential amenity of the area would not be adversely affected subject to the implementation of conditions. It is, therefore, considered that the amendment to condition 25 would be in accordance with Policy 4.
- 6.8 Turning to the Non Statutory Supporting Guidance on Minerals Policy MIN 1 'Spatial Framework' states that South Lanarkshire Council will balance the economic benefit from all mineral development against the potential impacts on the environment and local communities and will seek to ensure that impacts are minimised and mitigated. Relatively the amount of extracted material being removed from the site is minimal as most of the excavations will be redistributed within the site and utilised for various aspects of the fishing pond development and associated facilities including landscaping and land remoulding. The site is visually contained and partially screened by the presence of plantation blocks. The creation of ponds along with additional tree planting will enhance the environment and create an asset in an area of limited landscape appeal. It is considered that the proposed development adheres to Policy MIN1.
- 6.9 NSPG Policy MIN 2 'Environmental Protection Hierarchy' sets out a 3 tier category of protected designations. Table 3.1 of the MLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). MIN2 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse effect on Category 2 sites or a significant adverse effect on Category 3 sites will only be permitted where it adheres to a number of tests. The application site is remotely located and no environmental designations, as listed within Table 3.1, constrain the development of the application site. SNH has previously confirmed that there would not be any impact on the adjoining SSSI. On this basis, the development is considered to comply with Policy MIN2.
- 6.10 NSPG Policy MIN3 'Cumulative Impacts' states that in assessing all mineral proposals SLC will consider the cumulative impact that the development may have on communities (and other isolated receptors), natural and built heritage designations, sensitive landscapes, the existing road network and other resources as prescribed

within MIN2 in relation to other existing mineral developments and permissions. The amount of mineral extraction and importation over the extended 6 year period is considered relatively small scale in comparison to larger operations elsewhere in South Lanarkshire and over the construction period the number of vehicle trips generated is not judged to be significant. Extraction from the adjacent peat extraction site only takes place during a limited period in the summer when ground conditions are dry therefore adverse cumulative impacts are unlikely. On that basis the proposal complies with Policy MIN3.

- 6.11 NSPG Policy MIN4 'Restoration' states that planning permission will only be granted for mineral extraction where proper provision has been made for the restoration and aftercare of the site, including financial guarantees being put in place to secure restoration. Restoration proposals should not be generic and should relate to the specific characteristics of the site and the locale. Restoration proposals should consider providing opportunities for enhancing biodiversity, community recreation and access where at all possible. The overall proposal in this case is to create fishing ponds with associated landscaping. The scheme approved under the original consent has not changed and a condition is attached to this recommendation requiring full details of the final restoration scheme to ensure it is in line with the previous approval.
- 6.12 The original planning permission had a condition requiring the submission of a bond for the site to cover restoration should the operator not fulfil their duties. A bond has now been agreed with the Council which is to be paid in three instalments during the phasing of the development. In compliance with condition 1 attached to Planning Permission CL/12/0511 the first instalment has already been paid. To ensure the restoration bond remains in place this condition has been re-attached. This condition (condition no.30) forms part of the recommendation for approval. It is, therefore, considered that, subject to the use of this condition and the previously referenced restoration condition, the proposals can accord with the relevant provisions of the Development Plan in this regard.
- 6.13 NSPG Policy MIN 5 'Water Environment' states that mineral proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration should be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. The site accommodates water treatment infrastructure, such as settlement ponds, which minimises the impact of the excavation operation on the water environment. No water will be taken from the Dippool to fill the completed ponds. Furthermore, SEPA raise no objection to the proposed development. It is, therefore, considered that the development complies with policy MIN5.
- 6.14 NSPG Policy MIN 7 'Controlling Impacts from Extraction Sites' seeks to ensure all mineral development will not create an unacceptable impact through the generation of noise, dust, vibration and air pollution. Mineral Operators are to ensure that appropriate monitoring regimes are proposed and if permitted shall be carried out for the lifetime of the mineral operations. In this case the extraction area itself is remote from housing. The access runs past a small number of houses at its junction with the B7016 but traffic levels will be insignificant. As a result, there would not be an adverse effect on residential amenity. Conditions are proposed to control dust and hours of operation during extraction. Subject to these conditions, it is considered that the development complies with Policy MIN7.
- 6.15 NSPG Policy MIN 8 'Community Benefit' states that SLC will encourage operators to contribute to the South Lanarkshire Rural Communities Trust (SLRCT), Quarry Fund or the Council's Renewable Energy Fund or similar mechanism. On this occasion the

scale of the extraction is deemed to be too small to justify a contribution taking account of the limited contribution that would be accrued. In addition, the proposals will result in long term economic benefits for the local area.

- 6.16 NSPG Policy MIN 12 'Transport' requires an assessment of potential traffic and transportation impacts of any new proposal to accompany the application for planning permission, including any cumulative impact. Proposals will not be supported by SLC if they are considered to create significant adverse traffic and transportation impacts. Roads and Transportation did not object to the original application and the approval of this application will not adversely impact upon the local road network.
- 6.17 NSPG Policy MIN 15 'Site Monitoring and Enforcement' states that SLC will monitor minerals sites to ensure that they are carried out in accordance with planning legislation, approved plans, conditions and where appropriate, legal agreements. If planning permission is granted, appropriate monitoring procedures would be put in place.
- 6.18 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals section 42 application does not compromise Policies 2, 4, 5, 6, 19 and GBRA2 in the proposed local plan.
- 6.19 There have been a number of objections, principally from residents at Woodend Farm concerned about access of vehicles passing close to their properties, the condition of the access and associated amenity issues relating to noise, dust and disturbance. Also members raised issues when the application was discussed at the Planning Committee on 25 August 2020 reiterating many of these objections whilst seeking clarification on legal rights of access, non compliance of conditions, the suitability of the access track to accommodate vehicle usage, encroachment onto SSSI and questioned the need to extend the permission by a further six years. The response to these points has been summarised in paras 5.1 and 5.3 above. Importantly planning procedure has been correctly followed in terms of the applicant serving ownership notices on the third party owners of the access track. The applicant has given a commitment to early discharge of conditions and a Traffic Management Plan covering traffic speeds, passing places, installation of signage and upgrading of the access track will be submitted and implemented. In addition, a revised reinstatement plan will be submitted. At present on site, the development is half complete with piles of excavated material and disturbed ground. This is an unsatisfactory situation which impacts upon the quality of the landscape and surrounding countryside. It is in the interests of the local community that the development progresses to completion allowing the creation of a leisure facility which integrates into its surroundings and benefits the local economy. It is considered that appropriate conditions, including the hours of operation, can be attached and subject of on-going monitoring which addresses both the concerns of the objectors and Planning Committee.
- 6.20 In view of the above, it is considered that the extension of the lifetime of the extraction period for a further 6 years is acceptable as it will not prejudice the development plan nor have an adverse impact on landscape character, residential and visual amenity and road safety. It is therefore recommended that permission be granted. Under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997, if a Planning Authority is content that the proposed changes to conditions are acceptable,

as in this instance, a new planning permission with amended conditions could be issued. It is considered that whilst it is acceptable to amend condition 25 as requested, other conditions attached to the Original Permission are still valid and as such should be attached to any new permission issued. This ensures that the new permission is consistent with the Development Plan and previous assessment. In addition a number of additional conditions are proposed which reflects the effects of the development to date.

## 7 Reasons for Decision

- 7.1 The amendment to condition 25 is considered acceptable .Extending the extraction period by a further 6 years, does not contravene National Policy or the relevant provisions of the Development Plan subject to the imposition of the attached environmental conditions as allowed under Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020

### Previous references

- ◆ CL/12/0511

### List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
 

Environmental Services	22.01.2020
SEPA Flooding	13.01.2020
Roads Flood Risk Management	
Health & Safety Executive	
SNH	
  
- ▶ Representations
 

Dr L Carmichael, Woodend Cottage, Braehead Road, Carnwath, ML11 8LR	Dated: 27.01.2020
Mr D Carmichael, Woodend Cottage, Braehead Road, Carnwath, ML11 8LR	27.01.2020
Miss H Carmichael, Woodend Cottage, Braehead Road, Carnwath, ML11 8LR	27.01.2020
Robert McNally, Woodend Farm Steading, Carnwath, ML11 8LR	27.01.2020

Beth Hill, Woodend Farm, Carnwath, ML11 8LR	27.01.2020
Kenneth Hill, Woodend Farm, Carnwath, ML11 8LR	27.01.2020
Mrs Ray Hill, Woodend Farm, Carnwath, ML11 8LR	27.01.2020
Trevor Black, Woodend Farm, Carnwath, ML11 8LR	28.01.2020
Fiona Black, Woodend Farm, Carnwath, ML11 8LR	29.01.2020
Janet Moxley, Received Via Email	13.01.2020
Fiona Black, Woodend Farm, Carnwath, ML11 8LR	31.01.2020

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455174

Email: [ian.hamilton@southlanarkshire.gov.uk](mailto:ian.hamilton@southlanarkshire.gov.uk)

### Conditions and reasons

01. That the applicant shall at all times deal with the areas forming the subject of Planning Permission CL/12/0511 in accordance with the provisions of that application, statement of intentions and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior written consent of the Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development.

02. That any stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any stage. The applicant shall give at least 7 days notice to the Planning Authority prior to the commencement of any period of soil movements and the Planning Authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as it sees fit for the safekeeping of the topsoil.

Reason: To preserve the quality of the soils.

03. The operator shall abide by the approved dust monitoring and management plan, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To minimise any nuisance; to protect the amenity of nearby properties; and to minimise the chance of dust being transmitted onto the public highway.

04. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.

Reason: In the interest of road safety.

05. That within 4 months from the date of this permission (and each year thereafter) the operator shall submit to the Planning Authority an annual progress plan detailing:  
The extent of ongoing extraction operations;  
Areas prepared for extraction;  
The extent of backfilling or restoration operations carried out;  
The extent of landscaping, nature conservation and agricultural works that have been implemented;  
Current and anticipated production figures;  
Remaining reserves;  
Compliance with statutory permissions;  
Site complaint logs and actions taken.

Reason: To ensure that the Planning Authority is informed at regular intervals of the progress of the site.

06. That within two months of the date of this Planning Permission, a scheme showing the details of peat/soil stripping at the site and the storage and proposed use and replacement of peat/soil and subsoil shall be submitted to the planning authority. The scheme shall have regard to the drainage implications of soil movement and storage.

All soil stored on site shall be stored in accordance with BS 3882. Thereafter, all soil stripping, storage and replacement operations shall accord with the approved details as approved by the planning authority. In particular the scheme shall incorporate a method statement setting out the measures to protect, store and replace peat/soil and any necessary mitigation measures.

Reason: In the interests of amenity and in order to retain effective planning control.

07. That within one month of the date of this Planning Permission a Pollution Prevention and Incident and Waste Management Plan which includes mitigation measures against environmental pollution during the life of the site shall be submitted to the Planning Authority in consultation with SEPA.

Reason: In the interests of pollution and waste control.

08. That within one month of the date of this Planning Permission a hydrogeological assessment which includes plans/diagrams or conceptual model of ground water flows in the site, details of boreholes, cross sections of ponds showing where the ground water is in relation to their deepest point and information about ground water infiltration and how it will be dealt with, shall be submitted to and approved by the Council as Planning Authority in consultation with SEPA.

Reason: To avoid adverse impacts upon the flow and quality of ground water.

09. That within one month of the date of this Planning Permission, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: In the interests of the visual amenity of the area.

10. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following completion of each phase of the development hereby approved, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

11. That within one month of the date of this Planning Permission the existing access shall be cleared of loose material, chips, etc and sealed/resurfaced for a minimum of 8 metres from the edge of the public road. Kerbs shall be laid flush to delineate the edge of the public road.

Reason: To prevent deleterious material being carried into the highway.

12. That before the development hereby approved is completed, a drainage system capable of preventing any flow of water from the site onto the public/access road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage system.

13. A full survey of surface water features within the application site shall be undertaken within one month of the date of this Planning Permission and submitted to and approved by the Council as Planning Authority in consultation with SEPA.

Reason: In the interests of water flow and quality and in order to retain effective planning control.

14. Surface water in field drains shall not be allowed to drain into excavations until the completion of the ponds.

Reason: To avoid pollution of water courses.

15. That within one month of the date of this permission the developer shall ensure a programme of archaeological works, in accordance with the approved written scheme of investigation, is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

16. The mitigation measures for birds, otters and badgers as outlined in the Walkover Constraints Survey - Carstairs/Kaimes (Wild Surveys Ltd, December 2012) shall be fully implemented during all phases of construction.

Reason: In the interests of wildlife.

17. That prior to the commencement of work on each phase a survey of badgers (covering the working boundary of that phase including a 50 metre buffer) shall be undertaken and thereafter at 6 monthly intervals through the construction phase.

Reason: In the interests of badgers.

18. That prior to the commencement of work on each phase a survey of otters (covering the working boundary of that phase including a 100 metre buffer) shall be undertaken and thereafter at 6 monthly intervals through the construction phase.

Reason: In the interests of otters.

19. The silt and fresh water lagoons shall be properly lined and located at least 5 metres away from the Dippool Water in accordance with a scheme to be submitted to and approved by the Council as Planning Authority.

Reason: To limit pollution and to prevent erosion of the river bank.

20. That within one month of the date of this permission details of the parking area shall be submitted to and approved by the Council as Planning Authority and before the completion of the development the approved car park shall be implemented to the satisfaction of the said Authority.

Reason: To ensure the provision of adequate parking facilities to serve the development.



21. All extraction operations on the site shall be discontinued not later than 01 February 2025 and, within a period of 12 months from this discontinuance date, the entire site shall be restored in accordance with the approved restoration plan to the satisfaction of the Council Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development and to ensure that the site is satisfactorily restored.

22. That, within 6 months of the date of this permission, a detailed restoration and 5 year aftercare scheme for the entire site shall be submitted for the written approval of the Council as Planning Authority.

Upon the termination of extraction operations, all plant, machinery, buildings and the foundations thereof shall be removed from the site, and the areas so occupied restored in accordance with the approved restoration and 5 year aftercare scheme shall be carried out to the satisfaction of the Planning Authority in accordance with the approved details and within the agreed timescale.

Reason: To ensure that the Planning Authority retains effective control of the development and to ensure that the site is satisfactorily restored.

23. That within one month of the date of this approval details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

24. That within one month of the date of this permission, a Flood Risk assesment and Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.

25. That before work starts on site, details of the future maintenance arrangements of the ponds herby approved shall be submitted for the approval of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

26. The developer shall ensure that any vehicle transporting excavated material on or off the site must be treated by means of adequate wheel washing facilities. The facility will require to be in operation at all times during earth moving operations. The wheel washing facility shall be fully operational prior to works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road. Furthermore the developer shall ensure a road brush motor is made available throughout the construction period to ensure adjacent roads are kept clear of mud and debris.

Reason: In the interests of road safety.

27. That prior to any further work starting on site, a programme indicating the phasing of construction of development and number and rate of heavy goods vehicles entering and leaving the site on a daily basis together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians, shall be submitted to the Council as Planning Authority for approval. The approved details shall be implemented throughout the period of the development of the site.

Reasons: In the interests of road safety.

28. That all laden lorries entering the site via the private access shall be sheeted and all laden lorries leaving the site shall be sheeted before entering the private access which links onto the public highway.

Reason: In the interests of road safety.

29. The prior to any further heavy goods vehicle movement along the access track details of speed signage along the access track shall be submitted to and approved by the Council as Planning and Roads Authority and thereafter the approved speed signage shall be installed to the satisfaction of the said Council and before heavy goods vehicles resume movements along the access track.

Reason: In the interests of public safety.

30. At least one month prior to the commencement of the development, a guarantee to cover all site restoration for each phase of the construction in the event that the development is not satisfactorily completed shall be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise agreed in writing;
- i) be granted in favour of the Council as Planning Authority
  - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
  - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
  - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the construction period.

No work shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Council as Planning Authority.

Reason: To ensure that provision is made for the restoration and aftercare of the site.

31. That the hours of operation during the creation of the fishing ponds through the excavation of sand and gravel and lorry movements associated with the export/import of material from the site shall be limited to between 8am and 7pm Monday to Friday; 8am and 1pm on Saturday and at no time at all on Sunday or public holidays

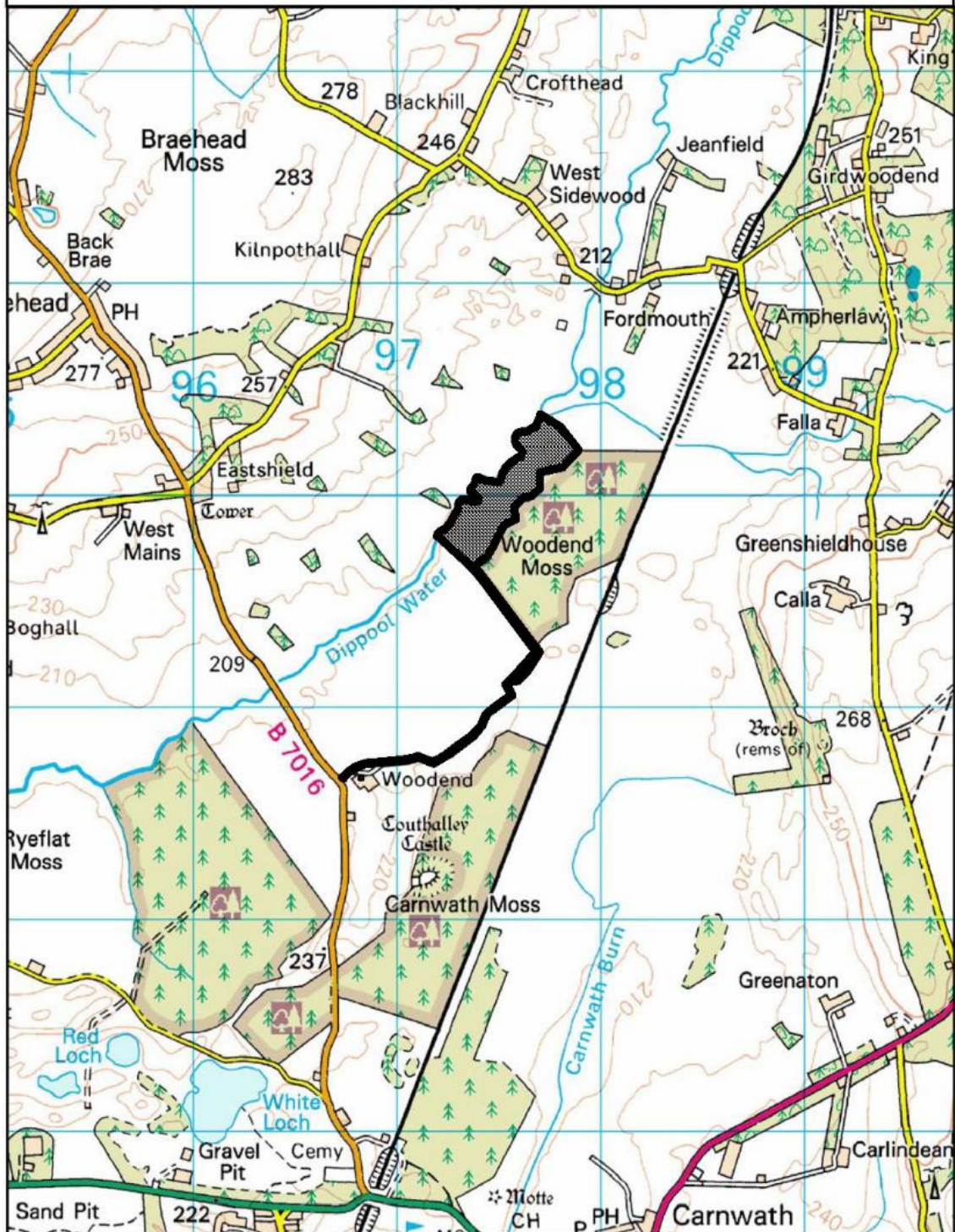
Reason: In the interests of residential amenity.

32. That within one month of the date of this permission written details of a maintenance scheme for the future maintenance of the access road shall be submitted and this scheme shall include a maintenance management schedule, all for the approval of the Council as Roads and Planning Authority.

Reason: To ensure that the developer contributes to the maintenance of the access road.

P/19/1807

Woodend Farm, B7016 from Forth to Carnwath A70, Carnwath



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Scale:  
1:25,000  
Date:  
23/07/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

8

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0542
Planning proposal:	Residential development and associated works including demolition of buildings and land re-profiling operations (Planning permission in principle)

## 1. Summary application information

Application type:	Permission in principle
Applicant:	Signify Commercial UK Ltd
Location:	Philips Wellhall Road Hamilton ML3 9BZ

## 2. Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant planning permission in principle (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Planning permission in principle should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:
  - Additional nursery, primary and secondary education accommodation as appropriate.
  - The provision of appropriate community facilities, either on site or off.
  - The provision of affordable housing on site or by way of a commuted sum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily, the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the developers.

### 3. Other information

- ◆ Applicant's Agent: Shahid Ali
- ◆ Council Area/Ward: 18 Hamilton West And Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 1 - Spatial Strategy  
Policy 2 - Climate Change  
Policy 4 - Development Management and Place Making  
Policy 5 - Community Infrastructure Assessment  
Policy 6 – General Urban Area/Settlements  
Policy 14 - Green Network and Greenspace  
Policy 16 - Travel and Transport  
Policy 17 - Water Environment and Flooding

**Development Management, Place Making and Design Supplementary Guidance (2015)**

**Community Infrastructure Assessment Supplementary Guidance (2015)**

**Residential Design Guide (2011)**

**Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) (2018)**

- Policy 1 - Spatial Strategy
- Policy 2 - Climate Change
- Policy 3 - General Urban Areas and Settlements
- Policy 5 - Development Management and Place Making Policy
- Policy 7 - Community Infrastructure Assessment
- Policy 13 - Green Network and Greenspace
- Policy 15 - Travel and Transport
- Policy 16 - Water Environment and Flooding
- Policy DM1 - New Development Design
- Policy SDCC2 - Flood Risk
- Policy SDCC3 - Sustainable Drainage Systems
- Policy SDCC4 - Sustainable Transport
- Policy DM15 - Water Supply
- Policy NHE18 - Walking, cycling and riding routes
- Policy NHE20 – Biodiversity

◆ **Representation(s):**

▶	1	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Scottish Water

SP Energy Network

CER Play Provision Community Contributions

Education Resources School Modernisation Team

Housing Services

Arboricultural Services

Countryside and Greenspace

SEPA Flooding

Roads Flood Risk Management

## **Planning Application Report**

### **1. Application Site**

- 1.1 The application relates to an area of land located on Wellhall Road, Hamilton. The site is currently occupied by several industrial and business properties and comprises an internal road system, large areas of hardstanding, grass and shrubs with mature trees located mainly along its north and western boundaries. The site is essentially rectangular in shape and extends to approximately 7.32 hectares. The site is bounded on all sides by residential development with Wellhall Road located along its north western boundary and a roundabout and retail store located at its northern tip. Access to the site is taken via a roundabout on Wellhall Road.
- 1.2 The site's buildings are currently vacant as the site is no longer considered to be an effective location for occupiers. The applicant's (formerly known as Philips Lighting) decision to close the facility was driven by a continual decline in market demand for the SOX lamp product. Due to this ongoing market decline, SOX production was phased out in line with market demand, and operations on site ceased in December 2019.

### **2. Proposal(s)**

- 2.1 The applicant seeks planning permission in principle for residential development and associated works including the demolition of buildings and land re-profiling operations. An illustrative site layout was submitted with the application which shows a development of 200 dwellings. In terms of building density and heights, the illustrative layout shows that the development would incorporate a variety of building types which would vary in height. Buildings would range between two and four storeys and house types would include detached, semi-detached and terraced housing as well as the potential for cottage flats and townhouses.
- 2.2 The supporting information submitted advises that the development would incorporate a landscape buffer to the north-west of the site along Wellhall Road and would retain the existing mature trees on the boundary, provide new tree and landscape planting. This would set the built edge of development back from the boundary to provide relief from existing roads and housing and enhance the setting around the perimeter. A central green space would create a focal point within the development and an additional area of open space to the north east of the site would contain a SUDS basin. The design proposes a single point of vehicular access via the existing Wellhall Road roundabout. From this, a primary loop road would enable a clear route through the development with a small number of secondary streets providing additional access to housing and parking.
- 2.3 The proposed development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was subject to a 12 week period of pre-application consultation (PAC) including a public exhibition which was held at South Lanarkshire Lifestyles in Fairhill, Hamilton on 13 February 2020. A copy of the Pre-application Consultation Report has been submitted as a supporting document. The outcome of the exhibition and the response of the applicants to comments received are detailed within the PAC Report. Additional supporting documents submitted with the planning application include a Planning Statement, Transport Assessment Ecological Report, Surface Water Drainage Strategy Report, Flood Risk Assessment, Ground Conditions - Phase I & II (Pre-2019/Historical) Data Report, Ground Conditions 2019 Phase II Site-wide



Investigation Report, Preliminary Remediation Strategy, Design and Access Statement and an Arboricultural Impact Assessment Report.

- 2.4 Under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, certain development projects require the planning authority to consider whether a proposed project is likely to have a significant effect on the environment, therefore, a screening opinion was undertaken by the Council prior to the submission of the planning application. Taking into account the characteristics of the development, its location and potential impact, the Council considered that the proposal does not require an Environmental Impact Assessment (EIA) and that environmental issues could be adequately addressed within the planning application process.

### **3. Background**

#### **3.1 Local Plan Background**

- 3.1.1 The application site is located within the General Urban Area in the adopted South Lanarkshire Local Development Plan. A small part of the site is also covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 6 - General Urban Area/Settlements, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management, Place Making and Design Supplementary Guidance relating to design and the Community Infrastructure Assessment Supplementary Guidance are also relevant to the assessment of the application. The content of the above policies and guidance and how they relate to the proposal is assessed in detail in Section 6 of this report.

- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. In this instance Policy 1 - Spatial Strategy, Policy 2 – Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding are relevant. Volume 2 of the Proposed Plan contains further policy guidance that will be used when assessing planning applications. In this instance, Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Sustainable Transport, DM15 - Water Supply, NHE18 - Walking, cycling and riding routes and NHE20 – Biodiversity are relevant.

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.2.2 Designing Streets – A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government’s commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

### 3.3 Planning Background

3.3.1 A Proposal of Application Notice (PAN) was submitted by the applicant to the Council for residential development and associated works within the site and was approved on 12 February 2020.

## 4. Consultation(s)

4.1 **Education Resources** – have no objections to the application subject to the applicant agreeing to a financial contribution towards additional education accommodation requirements at Hamilton Grammar, Holy Cross, St Johns Primary, St Marys Primary Hamilton, and their feeder nurseries where appropriate.

**Response:-** Noted. The applicant has in principle indicated a willingness to enter into a Section 75 Obligation and/or other legal agreement with the Council regarding these contributions.

4.2 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a noise impact assessment, construction noise assessment, noise piling method statement, a contaminated land site investigation and remediation plan, a scheme for the control and mitigation of dust, details of the Sustainable Urban Drainage System (SUDS) and its maintenance and details of facilities for the storage of refuse within the proposed development. In addition, informatives should be attached to any consent advising the applicant of the requirement for adequate pest control measures and the re-use and or importation of soils and substrates.

**Response:-** Noted. As the proposal relates to an application for planning permission in principle it is considered that appropriately worded conditions could be incorporated into any consent granted requiring the submission of the above details for the Council’s approval and future implementation following the submission and approval of the required matters specified in conditions application(s).

4.3 **Roads Development Management Team** – have no objections to the application subject to conditions being attached to any consent to ensure that further information is brought forward as part of a future Matters Specified in Condition (MSC) application. The TA prepared by Jacobs UK Limited examined several key junctions during the ‘am’ and ‘pm’ peak; this included Peacock Cross and nearby junctions linked by SCOOT technology. The current indicative site layout and supporting TA have been prepared based on an upper limit of 200 residential dwellings. The TA adopted the Council’s 0.6/0.2 ratio for trip generation along with agreed traffic growth requirements and this has ensured a robust assessment. Conditions should be attached to any consent in relation to access, traffic control systems, footpaths, traffic management, travel plan, car parking, bus stops, cycle storage, electric charging points, signage etc.

**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the application subject to conditions requiring the submission of a complete flood risk/drainage assessment with the required signed appendices for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self-certification document.  
**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.
- 4.5 **Scottish Water** – have no objections to the application.  
**Response:-** Noted.
- 4.6 **CER Play Provision** – have no objections to the application which is acceptable in principle from a community/play provision perspective. If any open spaces/play areas were to be progressed as part of the development Grounds Services would not adopt any of the areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. The Residential Design Guidance should be used throughout the application process. Within the vicinity of the proposal there are a number of community assets in need of investment. Rather than seeking additional on-site provision obtain a financial contribution towards investment in these local existing assets would be preferable.  
**Response:-** Noted. The applicant has in principle indicated a willingness to enter into a Section 75 Obligation and/or other legal agreement with the Council regarding these contributions.
- 4.7 **Housing Services** – Housing would look to have all 25% affordable housing provision provided within the site of the former Philips Factory. It is noted that, at this time, you do not need full details of the housing mix, therefore, Housing can provide that information when the detailed application is submitted. We would always reserve the right to obtain a commuted sum in the event that for any reason the developer was unable to provide on-site affordable housing provision.  
**Response:-** Noted. The applicant has in principle indicated a willingness to enter into a Section 75 Obligation and/or other legal agreement with the Council regarding these matters.
- 4.8 **Arboriculture** – have no objections to the application subject to the inclusion of conditions requiring the submission of a scheme for the protection of retained trees, arrangements for pre-commencement site meetings relating to tree protection, site supervision and monitoring of any approved arboricultural protection measures.  
**Response:-** Noted. Any consent granted would include appropriately worded conditions to address the above matters.
- 4.9 **Countryside & Greenspace** – a landscape masterplan needs to be submitted for approval which details the full range of hard and soft landscape specifications for the areas of greenspace identified on the indicative site layout. It is recommended that more substantial structural planting be undertaken around the perimeter of the site than indicated on the indicative layout plan. This may require reconfiguration of the plot layout in some areas. In particular we would wish to see stronger connectivity with the Wellhall Burn and other existing fragments of woodland/tree cover around the perimeter of the site to strengthen the functionality of the 'Greenspace Network'. The SUDS area must be publicly accessible and be designed to maximise the benefit for biodiversity. Details of the construction specifications for the access links (to Woodfoot Road and Wellhall Road) need to be provided. These should be multi-functional and suitable for use by pedestrians and cyclists. Consideration should also be given to an additional path link between the Woodfoot access link and Wellhall Road running along the western site boundary.

**Response:-** Noted. Any consent granted would incorporate appropriately worded conditions to address the matters raised.

- 4.10 **SP Energy Networks** – have no objections to the application.

**Response:-** Noted.

- 4.11 **SEPA (Flooding)** – have no objections to the application subject to the inclusion of informatives relating to construction, demolition, pollution prevention and contamination.

**Response:-** Noted. Any consent granted would incorporate appropriately worded informatives to address the matters raised.

## **5. Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the headings Non-Notification of Neighbours and Non-Notification of Owners in the Hamilton Advertiser. Three letters of representation were received in relation to the application. The grounds of objection are summarised as follows:-

- (a) **My property will border the planned new development. There is a corridor of native plants, shrubs and trees which is widely used by wildlife and also presents a visibly attractive outlook for all properties in the existing houses in Philips Wynd. My concern is that any flats constructed next to or close to this boundary will have a severe adverse effect on the plant life and wildlife using the corridor due to sunlight being blocked and potential additional human interference.**

**Response:** As the application is for planning permission in principle limited details have been submitted with the application in terms of the detailed layout and design of the proposal. Any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within the Council's Residential Design Guide and be in keeping with development in the surrounding area whilst protecting and enhancing the local green network. The adjacent resident involved has been advised of the above in writing.

- (b) **Similarly if flats are constructed next to or close to the boundary they will also block out valuable sunlight from gardens in the existing houses in Philips Wynd. This is particularly relevant as many gardens are north facing and only really get sunlight later in the afternoon when the sun is lower. At present that is fine, however, this would be blocked out by any new building of any significant height constructed in the new development. Is it planned to construct flats within the new development or will it all be houses and if flats are planned is it known where they will be located and how many stories high they will be.**

**Response:** Again, as the application is for planning permission in principle limited details have been submitted with the application in terms of the detailed layout and design of the proposal. Any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within the Council's Residential Design Guide and be in keeping with development in the surrounding area. The adjacent resident involved has been advised of the above in writing.

- (c) **I would like to know the distance from my boundary to the fence of the proposed houses? I presume the existing slope would be maintained.**

**Response:** Whilst an illustrative site layout plan was submitted with the application this is only indicative and would not be approved as part of any consent granted. However, in terms of distances and ground levels any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within the Council's Residential Design Guide to ensure that it is in keeping with and has no adverse impact on existing properties in the surrounding area.

- (d) **There has always been an issue of standing water in the properties on this estate after heavy/prolonged rain as the drainage is very poor. I note this has been an issue on the proposed site also and I hope more consideration is given to drainage than altering the direction the new buildings lie.**

**Response:** With regard to surface water drainage, no adverse comments were raised by Roads and Transportation (Flood Risk Management) subject to the inclusion of conditions requiring the submission of a Flood Risk/Drainage Assessment for the Council's approval and the provision of a sustainable urban drainage system (SUDS) within the site.

- (e) **Will the builders be responsible for any problems that existing residents may encounter with vermin during and after the demolition of the existing buildings?**

**Response:** This is a matter that Environmental Services could investigate and discuss with the potential developer of the site if required.

5.2 These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

6.1 The applicant seeks planning permission in principle for residential development within the application site. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.

6.2 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

6.3 In this instance, the proposal involves the re-use of a previously developed site and whilst the existing buildings within the site are not particularly obtrusive in terms of visual amenity it is considered that the proposed development would have a positive impact on the built and natural environment. The proposal also promotes development in a sustainable location within Hamilton which would be accessible by public transport with an existing bus route running along Wellhall Road. The proposed development would also be well integrated into existing walking and cycling networks. With regard

to Designing Streets, any detailed layout submitted with a subsequent application(s) for the approval of matters specified in conditions would have to comply with this guidance in addition to the design standards set out in the Council's Residential Design Guide. It is, therefore, considered that the principle of the proposal is acceptable and in accordance with national planning policy.

- 6.4 In terms of local plan policy, the application site is located within the general urban area in the adopted South Lanarkshire Local Development Plan. A small part of the site is also covered by the Green Network. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 6 - General Urban Area/Settlements, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management, Place Making and Design Supplementary Guidance relating to design and the Community Infrastructure Assessment Supplementary Guidance are also relevant to the assessment of the application.
- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies the proposal involves the development of a site which is located in a sustainable location within Hamilton and where the principle of residential use is considered to be acceptable. The site benefits from opportunities for trips by public transport and is located close to commercial services such as retail, leisure, schools, health care etc. The proposed development offers an opportunity to enhance the built environment and it is considered that the redevelopment of the site would result in an attractive and vibrant addition to neighbouring development. Existing habitats such as existing mature trees and open space would be retained and enhanced where possible and would be properly maintained and managed in the future. A SUDS basin would also be provided to the northern area of the site which integrates into the open space strategy for the site. It is envisaged that the basin would be planted with appropriate wet meadow mix and emergent species which would encourage biodiversity. The houses within the new neighbourhood would be designed to the latest technical standards in terms of insulation, air tightness and energy ratings. It is, therefore, considered that the proposal meets the terms of the above policies.
- 6.6 In terms of the design of the proposed development Policy 4 and Policy 14 are relevant to the assessment of the application. Policy 4 generally requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. As the application is for planning permission in principle, limited details have been submitted with the application in terms of the detailed layout and design of the proposal. Consequently, any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within Designing Streets and the Council's Residential Design Guide and be in keeping with development in the surrounding area whilst protecting and enhancing the local green network. However, in terms of the illustrative layout submitted, it is considered that the proposed development could integrate well into the local context and built form.
- 6.7 Policy 14 states that development proposals should safeguard the local green network, identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:-

- i placemaking,
- ii mitigating greenhouse gases,
- iii supporting biodiversity,
- iv enhancing health and quality of life,
- v providing water management including flood storage, and buffer strips,
- vi providing areas for leisure activity, and
- vii promoting active travel.

- 6.8 An ecology report was commissioned in support of the application which concluded that the application site has relatively low ecological value. A supplementary Bat Survey report was submitted with the application which concluded that no evidence of roosting was identified during any active season survey. The illustrative layout submitted incorporates areas of structured landscaping and open space to enhance the urban form and character of the site and indicates that existing habitats such as mature trees and open space would be retained and enhanced where possible and would be properly maintained and managed in the future. It is also envisaged that the SUDS basin proposed in the northern area of the site would be planted with appropriate wet meadow mix and emergent species which would encourage biodiversity. All surface water runoff would be dealt with through a sustainable urban drainage system (SUDS) designed as an integral part of the overall landscape design. Path connections through the green spaces would offer opportunities for walking and cycling. It is considered that the application site, the surrounding area and the Green Network as a whole would benefit from the enhanced leisure and ecological opportunities that the proposal provides. Any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's further approval which could incorporate the use of native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity and leisure within the site and the surrounding area. Given the above, it is considered that the development of the site would have a positive impact on the environment and will improve the quality of life for those living in the surrounding area. On this basis it is considered that the proposal would have no adverse impact on the Green Network and that the application meets the terms of Policy 14.
- 6.9 In terms of Policy 5 – Community Infrastructure Assessment the applicant has agreed in principle to the provision of affordable housing on site or by way of a commuted sum in addition to a financial contribution for educational provision, to equate to the demand for school places arising from the proposed development, and the provision of appropriate community facilities (and/or a financial contribution), either on site or off, both of which would be addressed appropriately through the conclusion of a Section 75 Obligation. It is, therefore, considered that the proposal meets the terms of the above policies.
- 6.10 Policy 16 - Travel and Transport seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. Due to the scale of the proposed development a Transport Assessment was submitted with the application that has assessed the impact on the local road network and its conclusions are considered to be acceptable. Roads and Transportation Services have assessed the application and subject to appropriately worded conditions they are satisfied that the development would not have an adverse impact on traffic flows or road safety and that adequate levels of car parking provision can be accommodated within the site. As discussed, the site would be accessible by public transport with an existing bus route running along Wellhall Road and the

development would be well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal complies with Policy 16.

- 6.11 With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation (Flood Risk Management) subject to the inclusion of conditions requiring the submission of a Flood Risk/Drainage Assessment for the Council's approval and the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and in addition to this any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of Policy 17.
- 6.12 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration. It is considered that the proposal accords with Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making Policy, Policy 7 - Community Infrastructure Assessment, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport and Policy 16 - Water Environment and Flooding in addition to Policies DM1 - New Development Design, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Sustainable Transport, DM15 - Water Supply, NHE18 - Walking, cycling and riding routes and NHE20 – Biodiversity.
- 6.13 In summary, the application to develop the site for housing is considered to be acceptable as the application conforms with local plan policy and the proposal raises no significant environmental or infrastructure issues. It is, therefore, considered that planning permission in principle should be granted subject to the conditions listed and subject to the conclusion of the required Section 75 Obligation and/or other appropriate agreement.

## **7. Reasons for Decision**

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 5, 6, 14, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Development Management, Place Making and Design Supplementary Guidance relating to Design and Community Infrastructure. The proposal also complies with Policies 1, 2, 3, 5, 13, 15, 16 and Policies DM1, SDCC2, SDCC3, SDCC4, DM15, NHE18 and NHE20 of the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2).

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020



## Previous references

- ◆ P/19/0015/PAN

## List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Development Management, Place Making and Design Supplementary Guidance (2015)
- ▶ Community Infrastructure Assessment Supplementary Guidance (2015)
- ▶ Residential Design Guide (2011)
- ▶ Neighbour notification letter dated 07.05.2020
- ▶ Press Advertisement, Hamilton Advertiser 21.05.2020
  
- ▶ Consultations
  - Roads Development Management Team 20.05.2020
  - Environmental Services 30.06.2020
  - Scottish Water 13.05.2020
  - SP Energy Network 07.05.2020
  - CER Play Provision Community Contribs Judith Gibb 21.07.2020
  - Education Resources School Modernisation Team 15.07.2020
  - Housing Planning Consultations 07.09.2020
  - Arboricultural Services 27.08.2020
  - RT Services Traffic And Transportation 02.08.2020
  - Countryside and Greenspace 07.05.2020
  - SEPA Flooding 17.07.2020
  - Roads Flood Risk Management 17.07.2020
  
- ▶ Representations
  - Mr Douglas Neil, 126 Philips Wynd, Hamilton, ML3 8PH Dated: 14.05.2020
  - Mr Douglas Neil, 126 Philips Wynd, Hamilton, ML3 8PH 13.05.2020
  - Mrs Audrey Cowan, 32 DEN BAK AVENUE, HAMILTON, ML3 8DA 28.05.2020  
28.05.2020

## Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Phone: 01698 453657  
Email: [jim.blake@southlanarkshire.gov.uk](mailto:jim.blake@southlanarkshire.gov.uk)

### Conditions and reasons

01. That prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:-

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including maintenance details and details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;
- (f) the means of drainage and sewage disposal.
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above).

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

02. That no consent is hereby granted for any of the details shown on the drawings:

Development Framework 19095(PL)001  
Illustrative Site Layout 19095(PL)100C  
Illustrative Sections 19095(PL)200A

Reason: Permission is granted in principle only and no approval is given for these details.

03. That the further application(s) required under the terms of Condition 1 above shall comply with the guidance on new residential development contained in the Council's Residential Design Guide.

Reason: In the interests of amenity.

04. That the further application(s) required under the terms of Condition 1 above shall include:-

- (a) a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:

Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)

Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency

BS 10175:2011 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

05. In the event that the site investigation determines that remediation of all, or part, of the site is required then:

- (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

06. That prior to any stage of development commencing on site, a scheme for the control and mitigation of dust, appropriate to that stage, shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

07. That the further application(s) required under the terms of Condition 1 above shall include a noise assessment for the consideration and detailed approval of the Council as Planning Authority to ensure that the neighbourhood and environmental noise levels (including noise from industrial, commercial and road Traffic noise sources) meet with relevant standards. This shall adopt the following approach-

#### Part 1

Prior to commencement of development the applicant shall undertake a noise assessment to determine the impact of noise from (specify relevant sources) on the proposed development. This shall use the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify:-

- 1) The maximum Rating Levels- L<sub>Ar</sub>, L<sub>Tr</sub> (Including penalties either subjective or objective as appropriate)
- 2) The statistical average Background Noise Level (L<sub>A90</sub>, 30min) to which any part of the development will be exposed. The Background Noise Level for the most noise sensitive period that the source could operate shall be used for this assessment.
- 3) Details of uncertainty shall be provided accompanied with meteorological data for the measurement period

#### Part 2

The applicant shall undertake a Noise Assessment (NA) to determine the impact of road traffic noise on the proposed development using the principles set out in "Calculation of Road Traffic Noise" (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority such as the shortened daytime measurement method. The survey shall take cognisance of the Scottish Government Document: Planning and Technical Advice Note- Assessment of Noise (PAN1 and TAN1).

The survey shall be submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from road traffic noise.

#### Part 3

The internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows:-

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an L<sub>Aeq,16hr</sub> of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an L<sub>Aeq,8hr</sub> of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an L<sub>Amax</sub> of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an L<sub>Aeq,16hr</sub> of 50dB daytime in any garden amenity areas, when measured free-field

## Part 4

The Internal Noise Rating Values, within the residential property and resultant from the neighbourhood (industrial and commercial) and neighbour noise (installed services), shall not exceed:-

NR25 between 23.00hrs and 08.00hrs

NR35 between 08.00hrs and 23.00hrs

Reason: In the interests of amenity.

08. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage for the consideration and detailed approval of the Council as Planning Authority . Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council in consultation with SEPA.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

09. That the further application(s) required under the terms of Condition 1 above shall include a construction noise assessment for the consideration and detailed approval of the Council as Planning Authority demonstrating that all works will be carried in accordance with the current BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise. The assessment shall present a phased approach detailing-

- Ground Works
- Construction of the New Development

The detailed report identifying the projected noise impact at the nearest noise sensitive receptors shall be provided in accordance with the standard. The emissions at the Noise Sensitive Receptor shall be cumulative and shall include mobile and stationary plant and equipment. The noise from any haul roads on site shall also be included. Corrections shall be made for variables such as the operating time and the relative cumulative impact value. This shall be corrected for attenuation and shall be provided as an LAeq.1hr to be compared with either the pre-existing background level or using the ABC table within the British Standard.

Reason: To safeguard the amenity of the area.

10. That the further application(s) required under the terms of Condition 1 above shall include a Flood Risk/Drainage Assessment for the consideration and detailed approval of the Council as Planning and Roads Authority in consultation with SEPA. The required Flood Risk Assessment shall be the subject of independent verification in accordance with the Council's current design criteria.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

11. In the event that piling is required during any stage of the redevelopment of the site then a method statement shall be submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472:2008 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement. Cognisance shall also be given to BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.

Reason: To safeguard the amenity of the area.

12. That no dwelling shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

13. That the further application(s) required under the terms of Condition 1 above shall include details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, for the consideration and detailed approval of the Council as Planning Authority. No dwellings shall be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

Reason: In the interests of amenity.

14. That the further application(s) required under the terms of Condition 1 above shall include a scheme for the provision of equipped play area(s) within the application site for the consideration and detailed approval of the Council as Planning Authority and this shall include : (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works.

Reason: In the interests of the visual amenity of the area.

15. That the recommendations and mitigation measures as stated in the Ecological Report (13 March 2020) and the Ecological Report: Supplementary Bat Report (26 August 2020) compiled by Jacobs shall be implemented throughout the construction and post-construction phases of the development to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

16. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

17. That prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:-
- a) Location and installation of services/ utilities/ drainage.
  - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
  - c) Details of construction within the RPA or that may impact on the retained trees.
  - e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
  - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
  - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
  - h) A specification for scaffolding and ground protection within tree protection zones.
  - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
  - k) Boundary treatments within the RPA
  - l) Methodology and detailed assessment of root pruning
  - m) Arboricultural supervision and inspection by a suitably qualified tree specialist
  - n) Reporting of inspection and supervision
  - o) Methods to improve the rooting environment for retained and proposed trees and landscaping

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

18. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Council as Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Council as Planning Authority.

Reason: To ensure that the Council as Planning Authority are satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

19. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 17 above, shall be submitted for approval in writing by the Council as Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure compliance with the approved tree protection and arboricultural supervision details.

20. That the further application(s) required under the terms of Condition 1 above shall include a scheme of landscaping for the detailed consideration and approval of the Council as Planning Authority and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
  - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
  - (c) details of any top-soiling or other treatment to the ground;
  - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (e) proposals for the initial and future maintenance of the landscaped areas;
  - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
  - (g) the landscape proposal shall include a semi mature tree avenue planting along Wellhall Road reducing to Extra Heavy Standard trees along to Philips Wynd.

Note - semi mature trees being planted are approximately 18-20 feet compared to 14-16ft extra heavy standards.

Reason: To ensure the appropriate provision of landscaping within the site.

21. That the further application(s) required under the terms of Condition 1 above shall include a landscape masterplan which details the full range of hard and soft landscape specifications for the proposed areas of greenspace within the development for the consideration and detailed approval of the Council as Planning Authority. Details of the construction specifications for the access links to Woodfoot Road and Wellhall Road shall be provided. These links shall be multi functional and suitable for use by pedestrians and cyclists. Consideration shall also be given to an additional path link between the Woodfoot Road access link and Wellhall Road running along the western site boundary.

Reason: To ensure the appropriate provision of landscaping within the site.

22. That the further application(s) required under the terms of Condition 1 above shall include a Residential Travel Plan for the development which should address the topics referred to under Section 4 of the Transport Assessment for the consideration and detailed approval of the Council as Planning Authority.

Reason: These details have not been submitted or approved.



23. That the further application(s) required under the terms of Condition 1 above shall include details of the proposed pedestrian/emergency access link to Woodfoot Road via Wellmeadows Lane for the consideration and detailed approval of the Council as Planning Authority. This shall include details of provision for walking and cycling and incorporate details for street lighting, drainage, signing and proposals to control the use of the link for its intended purpose which the applicant shall implement at their own expense.

Reason: These details have not been submitted or approved.

24. That the further application(s) required under the terms of Condition 1 above shall include a plan showing the site relative to the proposed catchment schools for denominational and non-denominational schools at primary/secondary stage supported by a walking route assessment of each highlighting any barriers to their use for the consideration and detailed approval of the Council as Planning Authority. Where these walking route assessments identify barriers to their use then the applicant should present proposals to address such constraints at their own expense.

Reason: These details have not been submitted or approved.

25. That the further application(s) required under the terms of Condition 1 above shall include details of secure cycle storage for all flatted properties in accordance with the SCOTS Roads Development Guide for the consideration and detailed approval of the Council as Planning Authority.

Reason: These details have not been submitted or approved.

26. That the further application(s) required under the terms of Condition 1 above shall include detailed proposals showing for the introduction of bus shelters and bus stop boarding kerbs to the bus stops on Wellhall Road reference 75232697 (southbound) and 75234827 (northbound) for the consideration and detailed approval of the Council as Planning Authority.

Reason: These details have not been submitted or approved.

27. That the further application(s) required under the terms of Condition 1 above shall include a proposed site layout to include the appropriate parking provision as shown below for the consideration and detailed approval of the Council as Planning Authority. All parking bays should be in modules of 3.0 metres by 6.0 metres with a separate 900mm wide provision to access the primary dwelling access from the public footway.
- 1 bedroom - 1 parking space
  - 2 and 3 bedrooms - 2 parking spaces
  - 4 and 5 bedrooms - 3 parking spaces

Reason: To ensure the provision of adequate parking facilities within the site.

28. That the further application(s) required under the terms of Condition 1 above shall include details of electric vehicle charging points for all homes for the consideration and detailed approval of the Council as Planning Authority.

Reason: These details have not been submitted or approved.

29. That the internal layout shall be designed in accordance with SCOTS National Roads Development Guide and the Councils supplementary guidance notes.

Reason: In the interest of public and road safety.

30. That the further application(s) required under the terms of Condition 1 above shall include a Traffic Management Plan (TMP) to cover demolition and construction traffic access for the consideration and detailed approval of the Council as Planning Authority. Once approved the TMP shall be implemented on site and monitored. The TMP should include wheel washing facilities and on-site parking facilities for staff and visitors. All construction traffic shall be taken off Wellhall Road via the existing roundabout access.

Reason: These details have not been submitted or approved.

31. That the further application(s) required under the terms of Condition 1 above shall include detailed proposals for alterations to the SCOOT traffic control system at the Peacock Cross Gyratory for the consideration and detailed approval of the Council as Planning Authority.

Reason: These details have not been submitted or approved.

32. That unless otherwise agreed, prior to the occupation of the first dwelling, the applicant shall implement at their own expense and to the satisfaction of the Council as Planning and Roads Authority, the approved SCOOT traffic control upgrades referred to in the previous condition using the Council's traffic signal maintenance contractor.

Reason: In the interest of public and road safety.

33. That the further application(s) required under the terms of Condition 1 above shall include detailed proposals for the introduction of a TOUCAN type controlled pedestrian crossing and ancillary works on Wellhall Road at the frontage of the site for the consideration and detailed approval of the Council as Planning Authority.

Reason: These details have not been submitted or approved.

34. That unless otherwise agreed, prior to the occupation of the first dwelling, the applicant shall implement at their own expense and to the satisfaction of the Council as Planning and Roads Authority, the approved controlled pedestrian crossing and ancillary works as referred to in the previous condition using the Council's traffic signal maintenance contractor.

Reason: In the interest of public and road safety.

35. That the further application(s) required under the terms of Condition 1 above shall include details of 'KEEP CLEAR' yellow box markings for the Wellhall Road/Hiltonbank Street junction for the consideration and detailed approval of the Council as Planning Authority. The approved works shall be implemented on site at the applicant's expense prior to occupation of the first dwelling.

Reason: In the interest of public and road safety.

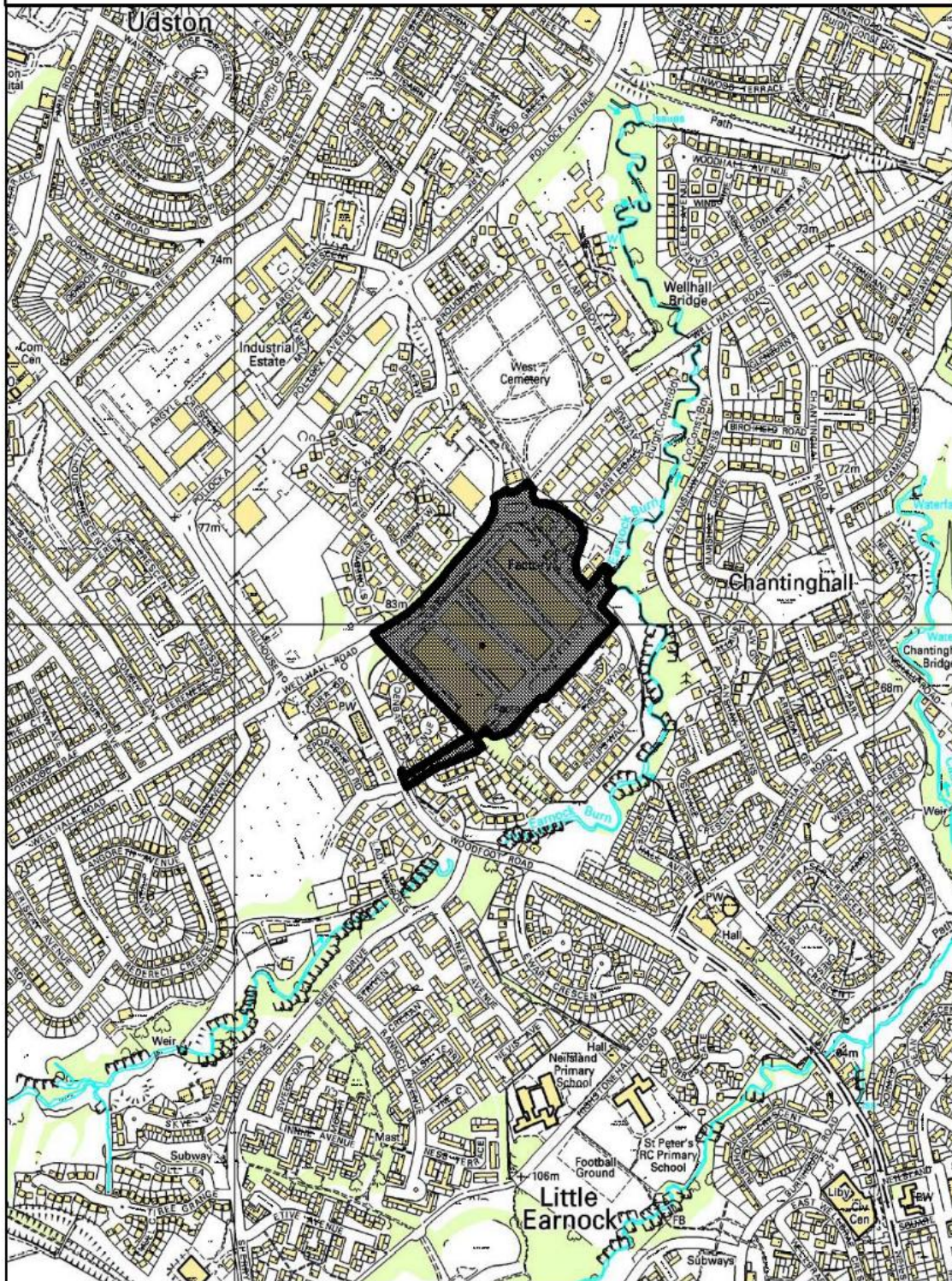
36. That the further application(s) required under the terms of Condition 1 above shall include details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, for the consideration and detailed approval of the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.



P/20/0542

Philips, Wellhall Road, Hamilton



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28/08/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

9

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0800
Planning proposal:	Erection of 7 no. tourist accommodation pods, associated vehicular access, car parking area, landscape bund, landscaping and access footpaths

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	Manorview Group
Location:	Cornhill House Hotel Coulter Biggar ML12 6QE

## 2. Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3. Other information

- ◆ Applicant's Agent: Adrian Smith
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
Policy 3 Green belt and rural area  
Policy 4 Development management and placemaking  
Policy 7 Employment  
Policy 15 Natural and historic environment  
**Supplementary Guidance 2: Green Belt and Rural Area**  
Policy GBRA1 Economy/business related developments  
**Supplementary Guidance 3: Development Management, Placemaking and Design**  
Policy DM14 Tourist facilities and accommodation  
**Supplementary Guidance 9: Natural and Historic Environment**  
Policy NHE3 Listed buildings  
Policy NHE13 Tree Preservation Orders

## **Proposed SLDP2**

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking

Policy 14 Natural and Historic Environment

Policy VET2 Visitor Accommodation

### ◆ **Representation(s):**

▶	10	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

### ◆ **Consultation(s):**

West of Scotland Archaeology Service

Arboricultural Services

CER Play Provision Community Contribs Judith Gibb

Historic Environment Scotland

Roads Development Management Team

## **Planning Application Report**

### **1. Application Site**

- 1.1 The applicants seek detailed planning permission for the erection of 7 tourist accommodation pods within the grounds of Cornhill House Hotel, an attractive, 9 bedroom B listed early French Gothic property. The grounds of the hotel consist of an extensive lawn featuring an ornamental fountain, to the south of which there is a mixed woodland area, the subject of a Tree Preservation Order. The applicant has taken the decision to locate the chalets to the south west of this existing mature woodland to the rear of the hotel on part of the extensive lawn, adjacent to the function suite as a means of minimising the visual impact upon both the setting of the B-listed building and on the wider rural area

### **2. Proposal(s)**

- 2.1 The applicant has applied to erect seven timber tourist accommodation pods each with a single bedroom and separate living space. The application represents a change to the previous approval for this site which was 7 larger self-catering units which was approved in November 2014 under application CL/14/0320. Consent is also sought for the formation of an associated vehicular access, car parking areas, a landscaped bund and access footpaths. A tree survey has been carried out by the agent and this along with the proposed pod layout plan confirms that all of the identified healthy mature trees on the site will be unaffected by the proposals, while the damaged and diseased trees in line with the recommendations of the updated tree survey are to be removed as part of the development process. The plans submitted show a proposed landscaping scheme for the application site which will include the planting of new trees to replace those lost and also to add additional trees to the site.
- 2.2 A supporting statement submitted by the applicant states that the new accommodation units will provide much needed additional bed spaces to support the hotel operation which is a valued local facility and source of employment. It is also explained that since the previous approval in 2014 for larger self-catering units on the same site, the hotel has changed ownership. Following a review of the requirements for additional accommodation by the new owners, it was decided that smaller units providing flexible bedroom/living space was more appropriate for the needs of the hotel, with guests being expected to make more use of the adjoining hotel facilities which will help with the long term development of the hotel business. Guests using the pods will access the hotel site via the main drive from the north and would be directed to the main hotel car park and reception for check-in. Guests with cars will then be directed to the pod parking area for unloading using the existing hotel internal access roads.

### **3. Background**

#### **3.1 Local Plan Status**

- 3.1.1 In terms of local plan policy, the site is located within the rural area where Policy 3 Green belt and rural area of the adopted South Lanarkshire Local Development Plan is applicable. The application also requires to be assessed against Policy 4 Development management and placemaking and Policy 15 Natural and historic environment in addition to the Supplementary Guidance contained within Development Management, Place Making and Design. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 4 Green Belt and Rural Area, Policy 5 Development Management and Placemaking, Policy 14 Natural and Historic Environment and Policy VET2 Visitor Accommodation are relevant.

3.1.3 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration.

### **3.2 Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy states that the planning system should promote a pattern of development that is appropriate to the character of the particular rural area, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality and that local plans should where appropriate, sets out policies and proposals for leisure accommodation.

### **3.3 Planning Background**

3.3.1 CL/14/0320 - Erection of 7 no. self-catering tourist chalets, associated vehicular access, car parking areas, landscaped bund and access footpaths – Approved 24 November 2014

## **4. Consultation(s)**

4.1 **Roads Development Management Team** – have no objections to the application subject to conditions requiring the submission of a traffic management plan and carry out a dilapidation survey prior to development commencing on site and that the parking shown of the approved plans is constructed and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority

**Response:-** Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

4.2 **West Of Scotland Archaeology Service** – Advise that due to planning history on the site with no previous conditions being attached relating to archaeology or the historic environment, for the reasons of consistency, a condition for this development is not appropriate.

**Response:** Noted

4.3 **Historic Environment Scotland** – have made no comment on the application as it does not meet the criteria for consultation.

**Response:-** Noted.



## 5. Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the local paper for the Non Notification of Neighbours and as Development Affecting the Setting of a Listed Building. 10 letters of representation and 1 letter of comment have been received in relation to the application. The grounds of objection and points raised are summarised below:

- a) **There are concerns raised by nearby residents that the proposed access to the parking court for the new tourist accommodation pods will result in a loss of privacy, overlooking and compromise security due to an increase of vehicles passing the entrance to their private housing estate and using the existing private access road to the rear of the hotel. There is also a perception that the guests will bypass the Hotel and go direct to the new pods via the Hotels rear access road which is also their access road. It is believed the addition of the new pods and the proposed parking arrangement will result in hotel guests wandering into their estate compromising property and the existing safe environment for children and believe this issue could be resolved if the entrance was via the main hotel and the delivery entrance on the track permanently closed off.**

**Response:** In the supporting letter with the application it was made clear that all hotel guests, including the ones using the proposed pods, would use the main entrance to access the hotel and check into their accommodation. At this point they will be directed from the main carpark, via the existing internal road structure to the new parking court dedicated to the new pods so that guests can park and unload their cases/bags. There is no intention for guests to use the rear service road from Cornhill Road to access the hotel but only from the main carpark around the hotel to the new parking area and therefore will only share the road that serves Cornhill Grove for approximately 20m. The Guests will then travel a total of 80m along the existing farm access to gain access to the new parking area. Once in their accommodation the guests can access the hotel and its facilities by foot within the grounds of the Hotel without using the access roads or going past Cornhill Grove, so there should be no reason for hotel guests to wander into the private housing estate. This is not considered to be an issue that would occur on a regular basis apart from the odd person who might get lost however this would not constitute a reason to refuse the application. There is no significant increase in overlooking from the road serving the development as the majority of the residential properties are screened by fencing or mature planting on this small section of the access.

- b) **The proposed access route to the parking and the increase of cars on this rural access road will be detrimental to road safety. It is felt that the rear hotel access is not suitable for this additional traffic due to it being narrow with passing places and the guests being unfamiliar with the road layout. There are also concerns on the construction and width of the final section of the access into the parking court which is the rear service access which is currently not in use and is used by the local farmer to access his farmland.**

**Response:** As stated above, the intention is for hotel guests to access the pods via the hotels main access not the rear service road and then be directed to the parking area via the internal road system once they have checked in. This arrangement wasn't made clear from the submitted plans but was outlined in the supporting letter from the agent. The Roads Development Management Team have not raised any road safety concerns with the access arrangement for the new pods and parking area. The traffic flow on the internal road network

surrounding the hotel will be relatively small with no significant conflict between the users of the private road system.

- c) **This area around the hotel is home to an abundance of wildlife who thrive in this rural, woodland location. An increase in guest numbers will increase the level of litter and waste that is already seen in the area surrounding the hotel along with the increased noise and disturbance will have a detrimental effect on wildlife in the area.**

**Response:** The development area is mostly laid to lawn with trees, a small bandstand, a play area and the hotels foul water treatment plant. The installation of the accommodation pods in this location will not have any significant effect on the wildlife in the area. The applicant has submitted a tree survey for the site which outlines tree removal on the site based on the health of the trees and a scheme of replanting is proposed which will be controlled by condition and will improve biodiversity on the site.

- d) **As residents in the adjacent residential development we already experience anti-social noise from the hotel from weddings and other functions. The addition of lodges with hot tubs will further exacerbate this issue and increase instances of anti-social behaviour by hotel guests. Given the proximity of our properties to the proposed lodge sites, what measures will be put in place to "police" use of hot tubs, will the hotel owners accommodate acoustic fencing for residents directly affected by disruptive noise. The hotel is set amongst extensive grounds, the pods could be relocated to an area further away from neighbouring properties. Alternatively, that controlled measures are put in place to stop anti-social behaviour and excessive noise.**

**Response:** Any existing noise complaints are not a consideration of this application and any assessment on noise is to be focused on the potential of the proposed development to generate noise to levels that would be considered a nuisance. The Council recognise the position of the hotel accommodation pods in the garden of the hotel could have the potential to generate noise however it is felt that this potential risk is low and manageable and should not be a nuisance to neighbouring properties. Hot tubs are a feature you could expect in your neighbours rear garden at much closer proximity than the proposed pods, the pod closest to the nearest residential dwelling is 17m to the garden boundary and 35m to the house at these distances normal activity and conversations between guests should not be a nuisance to residents of this dwelling or the remainder of the properties on Cornhill Gove. Planning conditions will also be placed on the development to ensure this part of the hotel operation meets acceptable noise levels and control measures are put in place by the hotel to limit noise levels from these units.

- e) **The residents of Cornhill Grove have an unrestricted right to access to our estate using the current single track road and is the only access to Cornhill Grove for Residents, food deliveries for vulnerable individuals and emergency services. The access road is not adequate for use by construction vehicles or indeed heavy traffic. We require additional information as to how any proposed buildings works would be facilitated without impeding our access rights and health and safety.**

**Response:** Once complete, the development will not affect the access rights over the rear access road to the hotel, which is used by the residents of Cornhill Grove and the farmer at Cornhill Farm. Indeed the hotel who own the road have a vested interest to maintain this access as it is used by the hotel as their service access for all non-customer traffic. It is also a legal responsibility for the hotel

to maintain access for the residents of Castle Grove and the Farmer during the construction phase and they will have to plan the development to allow these access rights to be honoured. The relatively small scale development and type of modular panel construction proposed it is envisaged that the construction phase will be relatively short with minimal disruption to residents of Cornhill Grove.

- f) **The owner of Cornhill Farm states that they have a heritable irredeemable right of access over the existing road that the applicant is planning to take access from. This is the only way to access the lower part of the farm and they would like to see this road remain open at all times. The hotel owners have a legal responsibility to ensure that there is an unbroken right of access from Cornhill Farm to the South Lodge. There have been attempts in the past by residents of Cornhill Grove to block part of the road but could not do so because of this right of access. It is also believed to be the case that Muir Homes still own part of the road and the hotel has no legal access over it so the hotel has no road access to that part of the hotel.**

**Response:** This is a legal matter between the hotel and the farmer, however, once complete the proposed development will not affect the rights of the farmer to access his fields beyond the development site. The hotel plan to upgrade the short section of the access road between the entrance to Cornhill Grove and the entrance to the pod carpark, this could possibly cause a conflict during the road improvement works however this road is owned by the hotel and it has a responsibility to maintain the road so this problem could occur whenever the road needs repaired and or replaced. The hotel should liaise with the farmer to ensure the road improvement works are programmed and carried out to ensure that acceptable access is maintained during this part of the development.

5.2 These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

- 6.1 The site is identified in the adopted South Lanarkshire Local Development Plan as lying in the rural area where Policy 3 Green belt and rural area states that the green belt and the rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements. Policy GBRA1 Economy/Business Related Developments states that providing the use is appropriate for the rural area, there is a locational need, there is no adverse impact on biodiversity or landscape then the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale. The provision of additional accommodation to service the existing hotel business on site is an appropriate use within the rural area and with the limited opportunities to extend and the costs involved to alter the existing B listed hotel, the option of small accommodation pods in the grounds to the rear of the building set within existing trees and the addition of suitable landscaping is considered to comply with the aims of this policy.
- 6.2 Policy 7 Employment states that the provision of good quality visitor attractions and accommodation will be supported based on the sustainable management and interpretation of the area's natural, built and cultural resources, the proposals are deemed to comply with this policy.

- 6.3 Policy 4: Development Management and Placemaking states that proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment. Policy DM14 Tourist facilities and accommodation Proposals for new or improved tourist facilities and accommodation in the countryside will generally be supported where they respect the existing development pattern within the locality and avoid dispersed patterns of development. The positioning of the pods on the rear lawn in the existing wooded area, will ensure adequate screening, containment and integration. The design, finish, scale and size of the pods are also considered appropriate for their setting and the use of sympathetic external finishes ties in with the sustainability objectives of the local plan. Therefore the proposals comply with both Policy 4 and DM14.
- 6.4 Policy 15 Natural and historic environment states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The site is covered by a TPO and under this policy it concludes that development which would affect TPO's following the implementation of any mitigation measures, will only be permitted where there is no significant adverse impact on the protected resource. Policy NHE13 also states that trees and woodlands that are considered to be of significance will be protected from inappropriate development through the enforcement of existing Tree Preservation Orders. The applicant has submitted a tree survey in support of the submitted proposals. This survey concludes that some selective tree felling is required due to the poor health of trees, existing damage and short life expectancy. After careful consideration, it is accepted that with only a select few trees being removed along with the proposed planting of additional trees and the provision of the proposed landscaping and bund will further mitigate and reduce any resultant impacts upon visual amenity. With enhanced tree planting and the retention of the existing trees, the 7 accommodation pods can be satisfactorily accommodated within the woodland backdrop, assisting with its visual containment and integration within the wider area. Protective measures can also be implemented to avoid any potential harm to the retained trees during the construction phase. The retained trees and development of the chalets on the unaffected area will ensure that the overall integrity of the TPO is not undermined to any notable extent.
- 6.5 Policy NHE3 Listed buildings states that development affecting a listed building or its setting shall, as a first principle, seek to preserve the building and its setting, and any features of special architectural interest which it has. The layout, design, materials, scale, siting and use of any development shall be sensitive to, and respect the character and appearance of, the listed building and its setting. Following a detailed assessment, it is considered that the open aspect of Cornhill House from the approaching access driveway and when viewed from the front lawn will not be encroached upon as the pods will be set away from the building, located behind the modern function room on the rear of building. The pods are to be set within a large lawn and wooded area the south west of the hotel. For these reasons the aims of this Policy: NHE3 will not be compromised.
- 6.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development

Plan. It is considered that the proposals accords with Policies 4, 5, 14 and VET2 in the proposed plan.

- 6.7 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are nevertheless a material consideration.
- 6.8 In view of all of the above, it is considered that the proposals are an appropriate form of development for the site, and comply with all relevant local plan policy. Overall the proposal is acceptable and it is recommended that detailed planning permission be granted.

## **7. Reasons for Decision**

- 7.1 The proposals comply with Policies 3 Green Belt and Rural Area, 4 Development Management and Placemaking, 7 Employment, 15 Natural and Historic Environment of the South Lanarkshire Local Development Plan (Adopted) and the relevant supplementary guidance GBRA 1, DM14, NHE3 and NHE13. The proposal is also consistent with the policies contained in the proposed SLLDP2. As such the proposals will have no adverse impact on the residential or visual amenity of the area and in addition raise no road safety issues.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020

### **Previous references**

- ◆ None

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
- ▶ Consultations
  - West of Scotland Archaeology Service 17.07.2020
  - Historic Environment Scotland 06.07.2020
  - Roads Development Management Team 10.07.2020

► Representations	Dated:
Mr Robert McCaskie, Cornhill Farm, Cornhill Road, Biggar, ML12 6QE	04.07.2020
Mrs Moira Sutter, 2 Cornhill Grove, Biggar, ML12 6GN	14.07.2020
Mr Robert Sutter, 2, Cornhill Grove, Biggar, ML12 6GN	14.07.2020
Mr Colin Green, 1 Cornhill Grove, Biggar, ML12 6GN	14.07.2020
Mr Lee Rhodes, 5 Cornhill Grove, Biggar, ML12 6GN	14.07.2020
Mr James Eley, 3, Cornhill Grove, Biggar, ML12 6GN	14.07.2020
Miss Louise Caithness, 8 Cornhill Grove, Biggar, ML12 6GN	15.07.2020
Mrs Janis Eley, 3 Cornhill Grove, BIGGAR, ML12 6GN	14.07.2020
Louise Caithness, 8 Cornhill Grove, Biggar, ML12 6GN	15.07.2020
Mrs Carmen Dunnigan, 7 Cornhill Grove, Biggar, ML12 6GN	13.07.2020
Mrs Lynne Waive, 9 Cornhill Grove, Biggar, ML12 6GN	14.07.2020

#### **Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455116

Email: [steven.boertien@southlanarkshire.gov.uk](mailto:steven.boertien@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. That prior to any of the development hereby approved starting on site the applicant shall submit, for the written approval of the Council as Roads and Planning Authority, a Traffic Management Plan which should include construction programme, delivery routes, anticipated construction vehicle trips, on site staff and contractor parking, arrangements for delivery and off-loading of construction materials, road cleaning arrangements and proposals to maintain safe operation of the existing Core Path during the construction phase.

Reason: In the interest of public and road safety

02. That before the development hereby approved commences, the applicant shall undertake a Dilapidation Survey for the public road in conjunction with the Roads Department and submit for the written approval and record of the Council as Roads and Planning Authority.

Reason: In the interests of traffic safety and to ensure any damage to the public road network is identified and repaired.

03. That prior to any of the holiday cabins hereby approved being completed or brought into use the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure adequate parking facilities are provided for the holiday cabins hereby approved.

04. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

05. That all the existing trees to be retained as shown on the approved Block Plan As Existing must be protected in accordance with methods as set out in BS5837/(2012) during site clearance and construction works until completion of all site operations, landscaping and building works.

Reason: To ensure the trees are retained and protected to the correct standards during the development of the site.

06. That the use of the tourist accommodation hereby approved shall be restricted to holiday occupation only and shall not be let or used as the sole residence of any one person, family or group. No individual, family, company, group or any other type of occupant shall occupy the accommodation for more than 12 weeks in any calendar year.

Reason: to ensure the use of the approved units is a holiday accommodation.

07. That before any work commences on the site, a detailed scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
  - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
  - (c) details of any top-soiling or other treatment to the ground;
  - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
  - (e) proposals for the initial and future maintenance of the landscaped areas;
  - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

08. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

09. That noise levels resulting from the approved development shall comply with the following limits.

1.

- a) Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development.
- b) Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAeq,15 min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at the proposed development.

2.

The internal noise levels at any residential property shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows)

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LA,max of 45dB night-time (23:00 - 07:00).



- d) The external levels shall not exceed an LAeq,16hr of 50dB daytime in any garden areas, when measured free-field

3.

The Internal Noise Rating Values, within any residential property, when assessed with the windows open, and resultant from the development, shall not exceed - NR25 between 23.00hrs and 08.00hrs and NR35 between 08.00hrs and 23.00hrs

Reason: To minimise noise disturbance to adjacent occupants.

- 10. That prior to any of the holiday units hereby approved being occupied the applicant shall prepare and submit a holiday pod usage policy document to the Council as Planning Authority for approval. This document shall form part of the terms and conditions for the use of the hereby approved tourist accommodation pods and shall cover the use of the units, the parking area, the outdoor space, decking and hot tub areas and the use of any amplified music (radio, iPod, mobile phones etc)

Reason: To minimise noise disturbance to adjacent occupants.

- 11. That prior to any of the holiday units hereby approved being occupied the applicant shall install signage next to the hot tub/decking areas to remind guests to be considerate of the neighbours in keeping the noise levels down.

Reason: To minimise noise disturbance to adjacent occupants.

P/20/0800

Cornhill House Hotel, Coulter, Biggar



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Scale:  
1:2,500  
Date:  
28/08/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

10

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0244
Planning proposal:	Erection of two storey side/rear extension and front porch

## 1 Summary application information

Application type: Householder  
 Applicant: Mr Brian Glancy  
 Location: 44 Grant Court  
 Hamilton  
 ML3 7UT

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 19 Hamilton South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 4 – Development management and placemaking  
 Policy 6 – General urban area/settlements

### **Development management, placemaking and design supplementary guidance (2015)**

Policy DM2 – House extensions and alterations

### **Proposed South Lanarkshire Local Development Plan 2**

Policy 3 – General urban areas

Policy 5 – Development management and placemaking  
 Policy DM2 – House extensions and alterations

## Representation(s):

►

3

Objection Letters

► 0  
► 0

Support Letters  
Comment Letters

**Consultation(s):**

None.

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is roughly triangular in shape, extends to approximately 256 square metres and is located at 44 Grant Court, Hamilton.
- 1.2 The site is located within a residential area and is bounded on each side by residential gardens and other two-storey dwellings. These dwellings, with the exception of the attached property to the south-east, are located between approximately 10 and 20 metres from the applicant's property.
- 1.3 The site is relatively level and enclosed by timber fencing on the rear and side elevations.

### **2 Proposal(s)**

- 2.1 The applicant seeks planning permission for the erection of a two-storey side and rear extension, and the erection of a front porch at 44 Grant Court, Hamilton.
- 2.2 The extension will be located on the side and rear elevations of the property and will project approximately 3.11 metres from the side of the existing dwellinghouse. The extension will sit flush with the rear of the property, and no part of the extension will be forward of the front elevation. The proposed porch will extend 1.35 metres from the front of elevation of the dwellinghouse and will feature a dual-pitched roof.
- 2.3 A new door will be formed on the side elevation of the ground floor of the extension. The ground floor of the extension will also feature a window on the front elevation, and folding doors on the rear elevation. The first floor of the extension will also feature a window on the front elevation, as well as two windows on the rear elevation, one of which will be opaque. The front porch will feature a door on the front elevation, and a small window on the side elevation.
- 2.4 The extension will feature two dual-pitched roofs. The first of these will continue from the existing ridge line, and the eaves on the rear will match with the existing. The eaves of the portion of roof visible from the front elevation will be located much higher than those on the existing front elevation, as these elevations do not sit flush with each other. The second pitched roof will extend adjacent to the existing roof and feature a gable end on the rear elevation. This gable will match with the existing roof style of the two semi-detached properties.

### **3 Background**

#### **3.1 Local Plan Status**

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015) the site falls within the general urban area where Policy 6 – General Urban Area/Settlements applies. Policy 4 – Development Management and Placemaking, is also of relevance to the proposal. In addition, the proposal is required to be assessed against the guidance contained within the associated supplementary guidance documents, namely that contained within the Development Management, Placemaking and Design SG. Policy DM2 – House Extensions and Alterations is considered to be relevant to the assessment of the application.

3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 3, 5 and DM2 are relevant to the assessment of the application.

### 3.2 **Relevant Government Advice/Policy**

3.2.1 Given the nature and scale of the proposed extension there is no specific government guidance relative to the determination of this application.

### 3.3 **Planning Background**

3.3.1 There are no records of any previous planning applications submitted for the site

## 4 **Consultation(s)**

4.1 None.

## 5 **Representation(s)**

5.1 Statutory neighbour notification procedures were undertaken in respect of the proposal. In response, three letters of objection were received from one neighbouring proprietor.

5.2 The grounds of objection are summarised as follows:-

### (a) **Loss of privacy/overlooking.**

**Response:** The application site and neighboring properties are within an established residential area where a degree of mutual overlooking already occurs. Given that the proposed upper floor windows will be no closer to the neighbouring properties than the existing upper floor window currently is, it is considered that the proposal will be within acceptable parameters and will not result in a material loss of privacy that would merit refusal of the application. In addition, the plans have been revised and one of the two windows on the rear elevation will contain opaque glazing.

### (b) **Loss of sunlight/daylight. The house will dominate and overshadow neighbouring houses.**

**Response:** All forms of development will generate a shadow of some description and, therefore, it is the extent and duration of shadow that is important. The proposal has been subject to a daylight/overshadowing assessment by the Planning Service. The outcome of this assessment indicates that there will be little to no increase in the amount of overshadowing of the objector's garden or property. Given the position/relationship of the existing dwellings and the location of the proposed dwellinghouse, it is considered that any impact on neighbouring properties will not be unacceptable in terms of overshadowing/loss of daylight and would not justify refusal of this application.

### (c) **The proposal will result in inadequate off-street parking provision.**

**Response:** The applicant has submitted a proposed block plan that indicates 3 off-street car parking spaces will continue be provided within the curtilage of the application site. The proposed parking provision on site will be acceptable.

- (d) **Two-storey extensions are not common within the surrounding area and therefore the proposal would be out of character for the locale and would set a precedent for two-storey extensions in the street. Those that have been approved are located at properties with larger gardens than the proposal site.**  
**Response:** Permission has previously been granted for two-storey extensions within the street and surrounding area. However, every planning application must be assessed on its own merit and in accordance with the relevant development plan.
- (e) **The proposal will result in overdevelopment of the site.**  
**Response:** The proposal will allow for more than 50% of the current useable garden ground to remain, therefore, the proposal is not considered to constitute overdevelopment.
- (f) **The proposal will result in the formation of a “terracing effect” which is not in keeping with the appearance and amenity of the wider estate.**  
**Response:** The dwelling attached to 44 Grant Court currently has an existing conservatory on the rear elevation. This, combined with the proposed two-storey extension at 44 Grant Court will not result in the formation of a continuous terrace. Sufficient space will remain between the semi-detached properties located either side of the proposal site. The relationship with the house to the north east is such that a terracing effect will not be created.
- (g) **The applicant has not disclosed details of their role/relation to someone in a role within the planning authority in the application form.**  
**Response:** The applicant has since confirmed that their spouse is an employee within Community and Enterprise Resources within the Planning Service and ticked the relevant box on the planning application form. The box requesting further information regarding this matter was left incomplete as an oversight and the required information was subsequently received.
- (h) **Despite the amendments to the application and the inclusion of opaque glazing on one window the applicant is under no obligation to retain this glazing in future.**  
**Response:** The inclusion of opaque glazing on one of the upper-storey windows will be conditioned should consent be granted and as a result, to remove or replace this glazing with a non-opaque alternative would require the submission of a further application for the consideration of the Council as planning authority.
- (i) **The proposal would result in a breach of the European Convention on Human Rights, Article 12 of the United Nations Declaration 1948, and Article 16, the United Nations Convention on the Rights of the Child due to a significant reduction in the level of privacy afforded to the objector within their garden and habitable rooms.**  
**Response:** The application is within an established residential area and a degree of mutual overlooking is inevitable. As previously stated, it is considered that the proposal will be within acceptable parameters and will not result in a material loss of privacy that would merit refusal of the application.
- (j) **Due to the scale of both the applicant and the objector’s garden, the distance between facing windows will be significantly below minimum standards, and the angle the applicant’s property sits at will result in the new upper storey windows sitting closer than the existing upper storey rear windows.**

**Response:** It is acknowledged that the existing distance between the facing windows of the two properties is below the now minimum standard of 20 metres, measuring approximately 12.4 metres. From observation of the approved drawings, GIS mapping, and from photos taken on site, the rear elevations of both properties sit approximately parallel. As a result, the proposed upper windows of the extension will sit no closer to the neighbouring property than the existing rear windows. Any difference in distance due to angling of the property is likely minimal and would not result in facing distance between the proposed windows being significantly less than that of the existing windows.

**(k) The drawings and plans made public on the portal do not include details of the distance between the proposal and the properties onto which it faces.**

**Response:** It is not a requirement for the applicant/agent to include details of these particular distances/dimensions on the submitted drawings. Even without these distances being labelled, the submitted Location and Site Plans accurately demonstrate the location of the property and its relation to neighbouring and adjacent properties. Mapping and GIS software, in addition to a site visit were also used in the assessment of the proposal to measure distances not included on the approved drawings where necessary.

**(l) Limited time was spent in the rear garden of the neighbouring property onto which the proposal faces during a site visit and no measurements were taken of the depth of the garden and the distances between facing windows.**

**Response:** It is recognised that the objector acknowledged that, due to Government restrictions in relation to Covid-19, the site visit conducted to the neighbouring property had to remain brief and socially distanced. Limited time was spent in the rear garden to take photographs of the proposal site and its relation to the neighbouring dwelling. These photos have not been made publicly available but nevertheless have been taken into consideration. No measurements were taken due to the requirement for the visit to be brief, and due to the availability of GIS software for digitally measuring these distances.

**(m) The proposal does not feasibly enhance the quality and appearance of the area.**

**Response:** The proposed extension is proposed to integrate with the L-shaped layout of the existing house, sitting flush with the rear elevation. The materials for the extension and the roofline of the proposal will continue the existing roofline. These factors do not result in a negative impact on the quality and appearance of the area, and will not have an unacceptable impact on the amenity of the area, instead respecting the character of the existing dwelling and the wider area.

5.3 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

6.1 The applicant seeks planning permission for the erection of a two storey side/rear extension and front porch at 44 Grant Court, Hamilton. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan framework against which the proposal requires to be assessed is the South Lanarkshire Local Development Plan (adopted



2015), its associated supplementary guidance and the Proposed South Lanarkshire Local Development Plan 2 (2018).

- 6.2 With regard to adopted planning policy as set out in the South Lanarkshire Local Development Plan (adopted 2015) Policy 4 – Development management and placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy advises that proposed developments should not have any significant adverse impact on adjacent buildings or the surrounding streetscape in terms of layout, scale, massing, design, materials or amenity.
- 6.3 It is considered that the proposed development from a development management perspective raises no unacceptable issues. In relation to Policies 4 and 6 of the South Lanarkshire Local Development Plan and DM2 of the Development Management, Place Making and Design Supplementary Guidance it is noted that:
- It is considered that the proposed two-storey extension and front porch will not have a negative impact on the visual quality and amenity of neighbouring properties and the local environment. The imposition of a planning condition, should consent be granted, will ensure that the facing materials for the external walls and roof of the proposal shall match the materials of the existing dwellinghouse.
  - The application site and neighbouring properties are within an established residential area where a degree of mutual overlooking already occurs. Given the distances and position of the proposed extension and all neighbouring properties, it is considered that the proposal will be within acceptable parameters and will not result in an unacceptable loss of privacy that would merit refusal of the application. In addition, a condition will be imposed to ensure that one of the windows on the rear elevation is opaque.
  - Given the position of the existing dwellings and the proposed two-storey extension, along with the travel path of the sun, it is considered that there will not be a significant or unacceptable impact in terms of overshadowing/loss of sunlight/daylight.
  - The application site is within an established residential area in which two-storey side and rear extensions are not uncommon, and therefore it is considered that the proposal is in keeping with the local context and will not have any significant adverse impact on residential or visual amenity.

## **7 Reasons for Decision**

- 7.1 Overall, the design, size, location and relationship of the proposed extension with neighbouring properties is considered to be acceptable since it will not have an unacceptable impact on the amenity of the surrounding residential area. The proposal generally complies with the relevant policies of the adopted South Lanarkshire Local Development Plan (Policies 4 and 6) and the proposed Local Development Plan 2 (Policies 3 and 5). There are no other material considerations which would justify the refusal of planning permission.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 14 September 2020

## Previous references

- ◆ None

## List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 26 February 2020

- ▶ Consultations

None

- |  |            |
|--|------------|
| ▶ Representations  | Dated:     |
| Mrs Lesley Rogon, 35 Galloway Avenue, Hamilton, South Lanarkshire, ML3 7UR | 18.03.2020 |
| Mrs Lesley Rogon, 35 Galloway Avenue, Hamilton, South Lanarkshire, ML3 7UR | 26.03.2020 |
| Mrs Lesley Rogon, 35 Galloway Avenue, Hamilton, South Lanarkshire, ML3 7UR | 04.09.2020 |

## Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

David Grant, Graduate Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455103

Email: [david.grant@southlanarkshire.gov.uk](mailto:david.grant@southlanarkshire.gov.uk)

**Conditions and reasons**

01. That the facing materials to be used for the external walls and roof of the extension hereby approved shall match in colour and texture those of the existing adjoining building on the site to the satisfaction of the Council as Planning Authority.

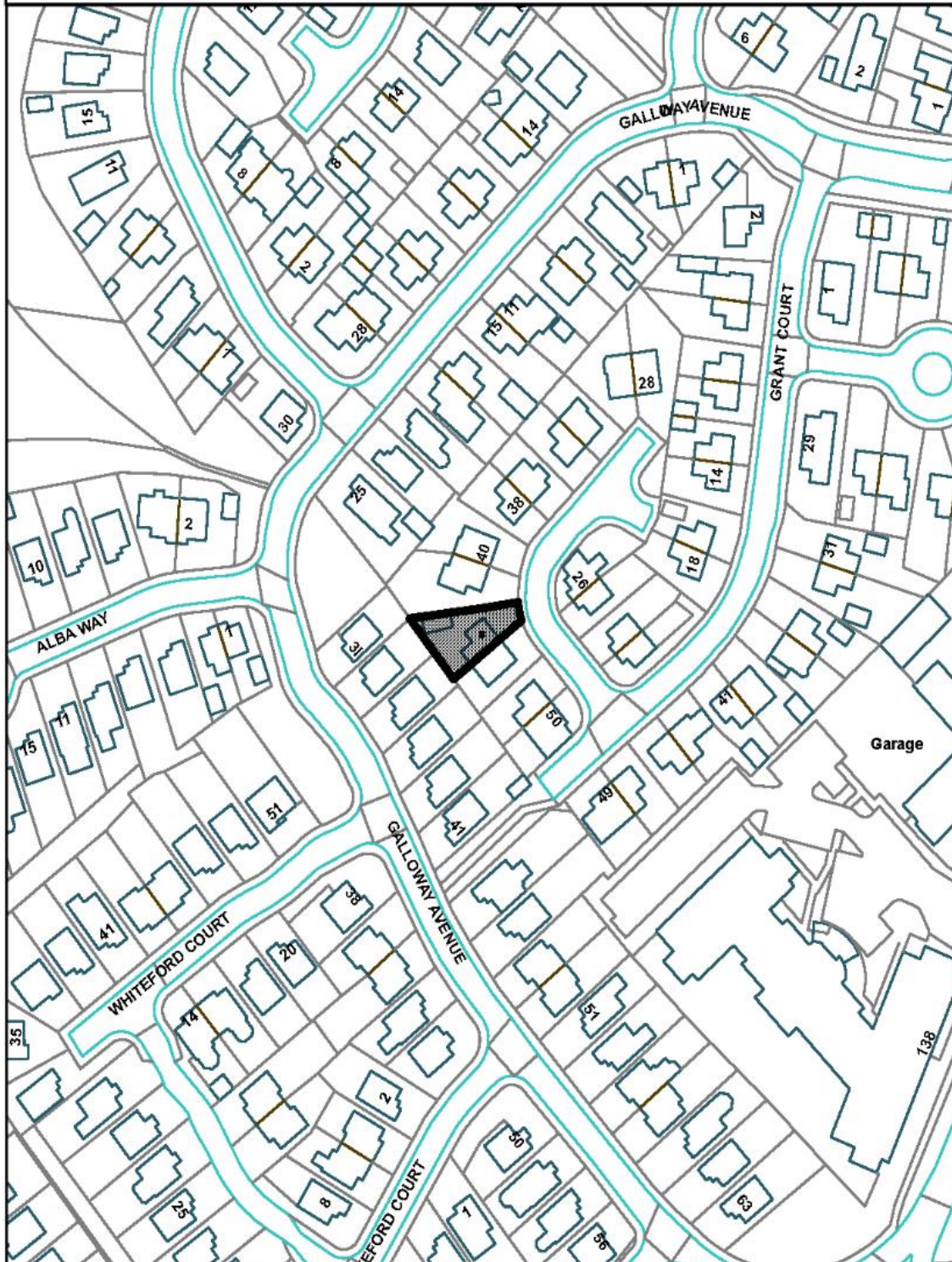
Reason: To ensure satisfactory integration of the proposed development with the existing building both in terms of design and materials.

02. The proposed upper floor window on the rear elevation of the extension which relates to the en-suite bathroom shall be fitted with opaque/obscure glazing which shall be retained at all times.

Reason: In the interests of privacy and to prevent any unacceptable overlooking occurring.

P/20/0244

44 Grant Court, Hamilton



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Scale:  
1:1,250  
Date:  
28/08/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0624
Planning proposal:	Formation of extension to Cuningar Loop Woodland Park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works

## 1. Summary application information

Application type:	Detailed planning application
Applicant:	Clyde Gateway Developments Ltd
Location:	Cuningar Woodland Park Downiebrae Road Rutherglen Glasgow South Lanarkshire

## 2. Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3. Other information

- ◆ Applicant's Agent: Claire Stewart
- ◆ Council Area/Ward: 12 Rutherglen Central And North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**  
Policy 1 – Spatial strategy  
Policy 4 - Development management and placemaking  
Policy 6 - General urban area/settlements  
Policy 14 - Green network and green space

**Development Management, Placemaking and Design Supplementary Guidance (2015)**

Policy DM13 - Development within general urban area/settlement  
Policy DM14 - Tourist facilities and accommodation

**Proposed South Lanarkshire Local Development Plan (2018)**

Policy 1 - Spatial Strategy  
Policy 3 - General Urban Areas  
Policy 5 - Development Management and Placemaking  
Policy 6 - Visitor Economy and Tourism  
Policy 13 - Green Network and Greenspace  
Policy DM1 - New Development Design

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

SEPA Flooding

Estates Services - Housing and Technical Resources

Countryside and Greenspace

SP Energy Network

Rutherglen Community Council

SGN Use [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk)

Coal Authority Planning Local Authority Liaison Dept

Arboricultural Services

SNH

## **Planning Application Report**

### **1. Application Site**

- 1.1 The existing Cuningar Loop Woodland Park is located off Downiebrae Road, Rutherglen on the southern bank of the River Clyde. The park is within a meander of the River Clyde which forms its northern and eastern boundaries. The overall Cuningar Loop area extends to approximately 27 hectares. Its re-development has been split into two phases with Phase 1 approved in 2013.
- 1.2 The current application site, which forms Phase 2 of the project, is the area located to the south and southwest of the existing park area incorporating the existing access from Downiebrae Road and covering approximately 9.12 hectares. It is noted, the vehicular access to the site is adjacent to Cuningar Estate which comprises of a number of residential properties. The remainder of the application site is undeveloped and currently comprises of trees, bushes and scrub vegetation.

### **2. Proposal(s)**

- 2.1 The applicant, Clyde Gateway Developments Ltd, seek detailed planning permission for the formation of an extension to the existing woodland park incorporating open space, path network, woodland planting, land regrading, paths, boardwalk, street furniture and associated works. This would also include the provision of additional car parking spaces next to the existing car park. The proposal is intended to build on the success of the existing woodland park by improving access into an area of woodland and creating biodiversity improvements. A number of supporting documents including site investigation, geo-environmental and geotechnical reports, landscaping plans, tree surveys and ecology reports have been submitted as part of this proposal. Vehicular access to the site would continue to be as present from Downiebrae Road.
- 2.2 Due to the size of the application site, it was necessary for the applicants to undergo the Pre-Application Consultation process in advance of the submission of a formal application. As part of this process this included consultation with key stakeholders, advertisement in the local press and public events at Cuningar Loop and Rutherglen Town Hall. It is noted that feedback from these events was generally positive.

### **3. Background**

#### **3.1 Local Plan Status**

- 3.1.1 In determining this planning application, the Council must assess the proposed development against the policies contained within both the Adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP. In this instance the relevant policies are 1 – Spatial Strategy, 4 – Development Management and Placemaking, 6 – General Urban Area/Settlements, and 14 – Green network and green space.
- 3.1.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2. A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters



amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council, they are nevertheless a material consideration. In this instance, Policies 1, 3, 5, 6, and 13 are applicable.

### 3.2 **Relevant Government Advice/Policy**

- 3.2.1 Scottish Planning Policy (SPP) provides advice on national planning policy issues. The SPP states that good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland. The planning system should seek to help create an environment where physical wellbeing is improved and activity made easier. SPP states that providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities can support their development. It also notes that, access to good quality open spaces can encourage people to be physically active and aid health and wellbeing.

### 3.3 **Planning Background**

- 3.3.1 Planning permission was granted for the formation of woodland park incorporating open space, path network, woodland planting, land regrading, street furniture and associated works and pedestrian bridge across River Clyde to allow access to the proposed park from the north and west under application CR/13/0001. Since the park opened, a number of subsequent applications for improvements to the park such as a sculpture, car park, bothy, allotments and elevated walkway have been approved with some already implemented.

## 4. **Consultation(s)**

- 4.1 **Roads and Transportation Services** – no objections to the proposal, subject to the attachment of conditions, in relation to the submission of a management plan for operation of the park while works take place, details of the construction compound and storage facilities for materials to be submitted and agreed before works commence on site.

**Response:** Noted. Appropriate conditions can be attached to any consent issued.

- 4.2 **Environmental Services** – no objections to the proposal and note the detailed reports and assessments that have been submitted, however, also note that should any details change then the comments may need to be reviewed.

**Response:** Noted. Appropriate conditions and advisory notes can be attached to any consent issued.

- 4.3 **Roads Flooding** – no objections subject to conditions related to the provision of a SUDs drainage system and provision of a flood risk/drainage assessment.

**Response:** Appropriate conditions can be attached to any consent issued.

- 4.4 **Scottish Water** – no objections to the proposal.

**Response:** Noted.

- 4.5 **SEPA** – no objections to the proposal.

**Response:** Noted.

- 4.6 **Estates Service** – no objections to the proposal.

**Response:** Noted.

- 4.7 **Countryside and Greenspace** – no objections to the proposal.

**Response:** Noted.



- 4.8 **SP Energy Networks** – no objections to the proposal.  
**Response:** Noted.
- 4.9 **Rutherglen Community Council** – no response received to date.  
**Response:** Noted.
- 4.10 **Scottish Gas Network** – no response received to date.  
**Response:** Noted.
- 4.11 **The Coal Authority** – no objections to the proposal, however, request the attachment of an advisory note containing general guidance for the developer.  
**Response:** Noted, an appropriate advisory note can be attached to any consent issued.
- 4.12 **Arboricultural Services** – no response received to date.  
**Response:** Noted.
- 4.13 **SNH** – no response received to date.  
**Response:** Noted.

## **5. Representation(s)**

- 5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the local press due to the nature of the works and as not all neighbouring properties could be identified; however, no representations have been received from third parties.

## **6. Assessment and Conclusions**

- 6.1 The applicant, Clyde Gateway Developments Ltd, seek detailed planning permission to develop a further section of Cuningar Loop to incorporate with the existing woodland park. This would incorporate open space, a new path network, woodland planting, land regrading, paths, a boardwalk, street furniture and additional car parking. The determining issue in the assessment of this proposal is its compliance with local development plan policy and any other material considerations.
- 6.2 As noted above, Scottish Government policy and advice on developments of this nature is contained within the Scottish Planning Policy (SPP). The SPP states that good quality open spaces and opportunities for sport and recreation make important contributions to a healthier Scotland. The planning system should seek to help create an environment where physical wellbeing is improved and activity is made easier. In this case, it is considered that the development of this section of Cuningar Loop, through the formation of education areas, play areas, path networks etc would make an important contribution to the quality of life in the area and help to further improve the health and wellbeing of local residents and visitors to the park. The proposal is, therefore, considered to be entirely in keeping with the aspirations of the SPP.
- 6.3 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the Council's Spatial Strategy, as set out in Policy 1 seeks to promote sustainable economic growth that protects or enhances the existing built and natural environment. As this proposed development would facilitate the enhancement of Cuningar Loop as a visitor attraction and public amenity, the proposed development is considered to comply with the provisions of Policy 1 and the Spatial Strategy.

- 6.4 Policy 14 - Green network and green space is also applicable in this instance. Proposals within these areas are required to ensure that green spaces and biodiversity within the site are protected and enhanced. In this instance, and as per Phase 1, the existing open space is proposed to be fully retained with some trees being removed to make the improvements to the quality of the park. However landscaping proposals for the site will also include replanting and ecological surveys have been provided to confirm that there would be no adverse impact on European or other protected species. It is therefore considered the proposal complies with Policy 14.
- 6.5 Policy 4 - Development Management and DM13 - Development within general urban area/settlement require that all planning applications should take fully into account the local context and built form – i.e. development should not take place in isolation and must take cognisance of amenity issues in terms of scale, position and materials of adjacent buildings and surrounding streetscape. Policy DM14 - Tourist facilities and accommodation states that the Council will support proposals where they respect the existing development pattern within the locality, where they are of a form, design and scale appropriate to the area and are reasonably accessible by public transport. In this case, the proposal is the second phase of the overall Cuningar Loop proposal and will expand the existing woodland park following the success of the first phase. As such, the proposal is considered to be consistent with the principles of the above policies.
- 6.6 Policy 6 - General urban area/settlements is also of relevance and states that developments will be assessed on their own merits and will not be permitted if they are detrimental to the amenity of existing residents. Whilst the proposal includes additional parking for the woodland park, the new spaces are in line with the existing parking spaces and will not come any closer to the adjacent residential properties. It is, therefore, considered the proposal also meets with the requirements of this policy.
- 6.7 As noted above, all responding consultees have no objection to the proposed development. The Council's Environmental Services have noted that, should anything change on site, the submitted surveys and reports may require to be updated and resubmitted for consideration. In addition, the Council's Roads and Transportation Service also raised no objections to the proposal, however, require the submission of further details prior to works commencing on site including details of the how the park will operate during works, details of the construction compound and storage facilities for materials. The Council's Roads Flooding section require the provision of a SUDs drainage system and a flood risk/drainage assessment. Should permission be granted, appropriate conditions can be attached in relation to the above requirements.
- 6.8 In summary, detailed consultation has been undertaken with relevant stakeholders prior to submission of the application and throughout the formal application process. The application has been assessed and it is considered that the extension to the existing woodland park (phase 2) would be of significant benefit to the local environment and the local area. The development would build on the success of the existing park providing additional recreation space and parking for locals and visitors, thereby, helping to improve health and wellbeing. The proposal complies with all relevant local plan policies and with Scottish Government aims as set out in the Scottish Planning Policy. As such, it is, therefore, recommended that planning permission is granted subject to the attached conditions.

## **7. Reasons for Decision**

- 7.1 The proposed development would have no significant amenity impact and would provide additional recreation space and parking facilities associated with the existing Cuningar Loop Woodland Park and, therefore, complies with Policies 1, 4, 6 and 14 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 1, 3, 5, 6 and 13 of the Proposed South Lanarkshire Local Development Plan (2018) and their associated supplementary guidance documents.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 3 September 2020

### **Previous references**

- ◆ CR/13/0001
- ◆ CR/15/0022
- ◆ CR/16/0036
- ◆ CR/17/0204
- ◆ P/18/1277

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 5 June 2020
  
- ▶ Consultations
  - Roads Development Management Team 03.09.2020
  - Environmental Services 13.07.2020
  - Roads Flood Risk Management 27.08.2020
  - Scottish Water 05.06.2020
  - SEPA West Region 19.06.2020
  - Estates Services - Housing And Technical Resources 04.06.2020
  - Countryside And Greenspace 08.06.2020
  - SP Energy Network 05.06.2020
  - Rutherglen Community Council No response
  - SGN No response
  - Coal Authority Planning Local Authority Liaison Dept 12.06.2020
  - Arboricultural Services No response
  - SNH No response

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455049

Email: [declan.king@southlanarkshire.gov.uk](mailto:declan.king@southlanarkshire.gov.uk)

### Conditions and reasons

01. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That the landscaping scheme as shown on the approved plans shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the completion of the development hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

03. That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

04. That the development hereby approved shall not be completed or brought into use until the surface water drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority, under the terms of Condition 3 above.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

05. Notwithstanding the details hereby approved and in respect of the ERS and Sweco reports submitted to support this application, if there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning authority prior to any material being used. In addition to this an in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.

Reason: To safeguard the amenity of the area.

06. That prior to works commencing on site, a management plan of how the existing park will function while construction works are taking place shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction throughout this period.

Reason: In the interests of traffic and public safety.

07. That prior to works commencing on site, details of the construction compound including office accommodation, welfare facilities and construction car parking shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction. No consent will be granted for parking on the public road by contractors or sub-contractors.

Reason: In the interests of traffic and public safety.

08. That before works commence on site, details of the storage facilities for all materials, servicing arrangements for deliveries and a turning space to enable vehicles to enter and leave the application site in forward gears at all times shall be submitted to and approved in writing by the Council as Roads and Planning Authority and thereafter implemented to our satisfaction.

Reason: In the interests of traffic and public safety.

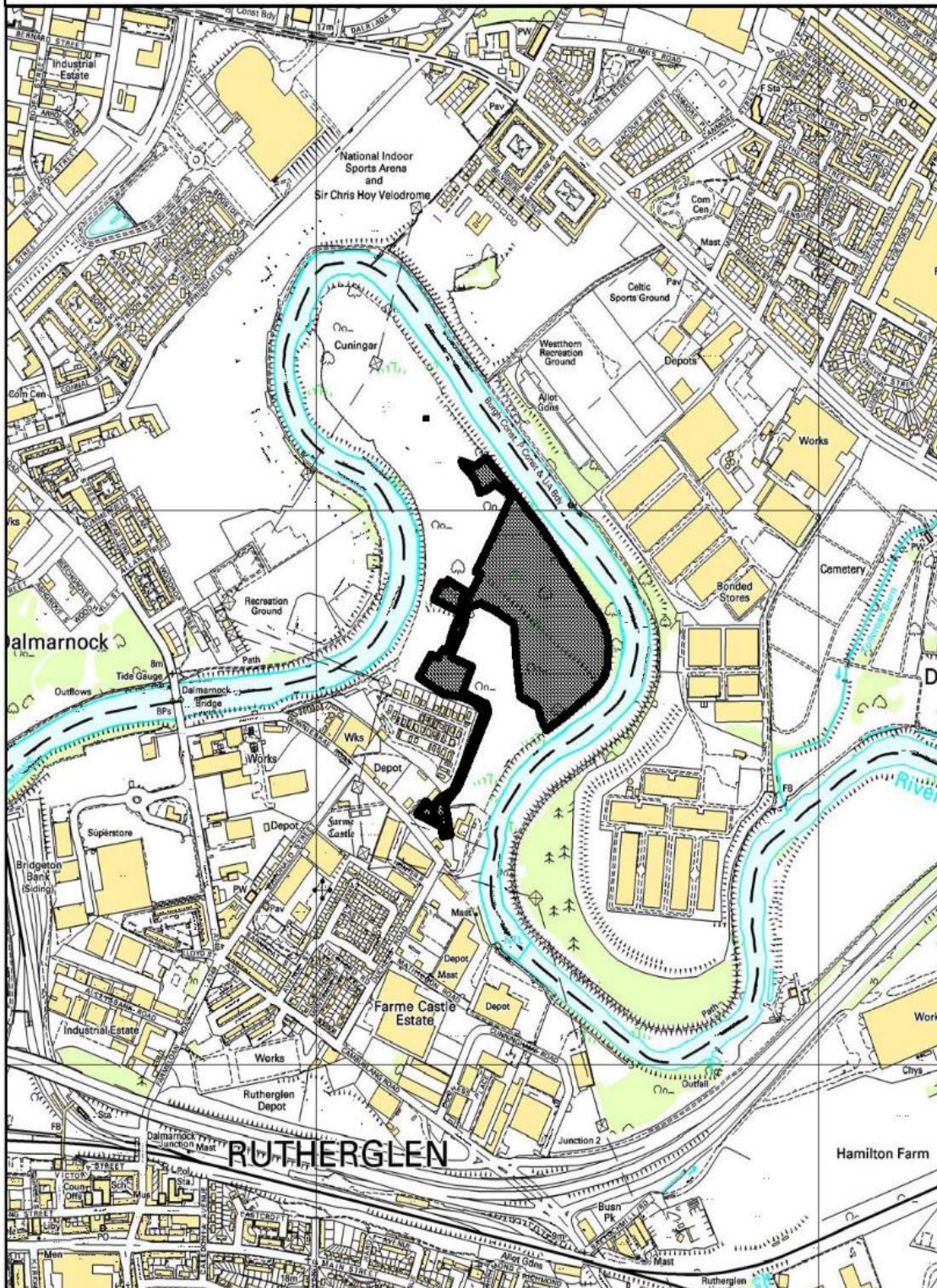
09. That during construction works, the applicant must provide wheel washing facilities within the site to ensure that no muck, debris or water should discharge onto the public road network.

Reason: In the interests of road safety.



P/20/0624

Cuningar Woodland Park, Downiebrae Road, Rutherglen



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**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development





# Report

12

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/20/0495
Planning proposal:	Erection and operation of wind farm consisting of 8 turbines at a height of 180m to blade tip (Consultation from Scottish Ministers under S36 of the Electricity Act 1989)

## 1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Brookfield Renewables
Location:	Kennoxhead Wind Farm Glentaggart Road Glespin Lanark

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the Scottish Government be informed that South Lanarkshire Council has no objection to the proposed erection of 8 wind turbines (up to 180m in height) and associated infrastructure under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions, further agreements of conditions and planning obligations if required, with the Scottish Government.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to deal with the notification
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:-
  - Community Contribution Payments
  - The funding of a Planning Monitoring Officer
  - Control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.
  - The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

### 3 Other information

- ◆ Applicant's Agent: Land Use Consultants Limited
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
  - Policy 1 – Spatial Strategy
  - Policy 2 - Climate Change
  - Policy 3 - Green Belt and Rural Area
  - Policy 4 - Development Management and Placemaking
  - Policy 15 - Natural and Historic Environment
  - Policy 17 - Water Environment and Flooding
  - Policy 19 - Renewable Energy

#### **Supplementary Guidance**

- 1: Sustainable Development and Climate Change
- 2: Green Belt and Rural Area
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment
- 10: Renewable Energy

#### **Proposed South Lanarkshire Local Development Plan 2 (2020)**

- Policy 1 – Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy
- Policy DM1 - New Development
- Policy SDCC2 - Flood Risk
- Policy SDCC3 - Sustainable Drainage Systems

#### ◆ **Representation(s):**

- |   |   |                   |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters   |
| ▶ | 0 | Comment Letters   |

#### ◆ **Consultation(s):**

Roads Development Management Team  
Environmental Services  
WOSAS  
Roads and Transportation (Flood Management)  
Douglas Community Council  
Countryside and Greenspace

# **Planning Application Report**

## **1 Application Site**

- 1.1 The main body of the application site is located approximately 3km south-west of Glespin and 6.5km south-west of Douglas. The application boundary includes the proposed access routes both from the A70 and the B7078. The majority of the application site comprises existing commercial forestry (Carmacoup and Penbreck Forest). The site is located within land designated as rural within the adopted South Lanarkshire Local Development Plan 2015 (SLLDP). The Landscape Character Type (LCT) of the area is 'Rolling Moorlands' with the main portion of the site being located within the 'Rolling Moorlands Forestry sub type of this LCT.
- 1.2 The site lies adjacent to the consented but not yet constructed Kennoxhead and Penbreck Wind Farms. The application site itself is considered to be an extension of the consented Kennoxhead Wind Farm.

## **2 Proposal(s)**

- 2.1 An application has been made to the Scottish Government to extend the consented Kennoxhead Wind Farm by an additional 8 turbines. The application is made under Section 36 of the Electricity Act 1989. As with Kennoxhead Wind Farm, the Scottish Government is the Consenting Authority in this instance with South Lanarkshire being a statutory consultee in the process. Kennoxhead Wind Farm has a consented generating capacity of 91.2MW and is already over the 50MW capacity that requires consent through the Electricity Act rather than through the Town and Country Planning Act.
- 2.2 The proposals involve extending Kennoxhead Wind Farm with an additional 8 turbines, each with a maximum height of 180m to tip. The proposals would create an additional 38MW of generating capacity.
- 2.3 The extension also includes the associated infrastructure required by the turbines which consists of approximately 5km of access tracks (including the upgrading of 1km of existing access track), crane hard standings, cabling, energy storage facility and substation.

## **3 Background**

### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014, sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015".
- 3.1.2 Scottish Planning Policy (SPP) June 2014, aligns itself with NPF3 and one of its policy principles states that there will be "a presumption in favour of development that contributes to sustainable development" (page 9). At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially

sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.1.3 The Scottish Government’s Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges “the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts”.

3.1.4 All national policy and advice is considered in detail in section 6 of this report.

### **3.2 Development Plan Status**

3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans.

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 1: Spatial strategy
- Policy 2: Climate change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters’ amendments. Whilst the Reporters’ amendments have yet to be ratified by South Lanarkshire

Council they are nevertheless a material consideration. In this instance, the following policies are relevant:

- 3.2.5 Policy 1 Spatial Strategy, Policy 2 Climate Change; Policy 4 Green Belt and Rural Area; Policy 5 Development Management and Placemaking; Policy 14 Natural and Historic Environment; Policy 16 Water Environment and Flooding and Policy 18 Renewable Energy
- 3.2.6 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that, LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

### **3.3 Planning Background**

- 3.3.1 Originally Kennoxhead Wind Farm (South Lanarkshire Ref CL/13/0042) was granted consent by the Scottish Government in July 2015 and was for a wind farm comprising 19 turbines with a maximum height to tip of 145m. South Lanarkshire Council, as a Statutory Consultee to the application offered no objections to the proposals.
- 3.3.2 Following the issuing of this consent, a variation application was submitted to increase the height of the turbines from 145m to 180m to tip height (South Lanarkshire Ref P/19/1145). South Lanarkshire Council, again as a statutory consultee, offered no objection to the increase in turbine heights. This application has now been consented (December 2019) by the Scottish Government. Construction is expected to start by early 2021. It is this consent, referred to as Kennoxhead Wind Farm that the current application is looking to extend by a further 8 turbines.
- 3.3.3 Penbreck Wind Farm is located immediately to the south west of Kennoxhead Wind Farm and comprises a development of 9 turbines at 145m to tip height. 6 of the turbines are within the administrative boundary of South Lanarkshire Council and they were granted planning permission in December 2018 (P/18/0072) with East Ayrshire Council granting planning permission for the remaining 3 turbines in November 2019.

## **4 Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – have no objection subject to Roads conditions relating to a Traffic Management Plan, Road Safety Audit and Access Management Plan and a legal agreement to provide financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.  
**Response:** Noted, if members agree with the recommendation not to object to the application, the formal response to the Scottish Government would recommend that these conditions and the legal agreement form part of the decision.
- 4.2 **West of Scotland Archaeology Service (WOSAS)** – consider that the addition of 8 turbines in the proximity of the already consented Kennoxhead and Penbreck wind farms are unlikely to result in a substantial change to the setting of heritage sites outwith the application area and that it is unlikely that a significant setting impact is likely to be raised by this application. It is noted that within the application boundary there is potential for direct archaeological impacts and it is therefore recommended that a condition requiring a programme of archaeological works is imposed on any consent.  
**Response:** Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval of a programme of archaeological works.

- 4.3 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area.  
**Response:** Noted. The recommended noise levels form part of the recommendation to the Scottish Government.
- 4.4 **Roads and Transportation (Flood Risk Management)** – have no objections subject to flood risk and drainage design criteria being completed as part of the development.  
**Response:** Noted. The relevant criteria is a requirement of the CEMP that forms part of the recommendation to the Scottish Government.
- 4.5 The following consultees had no comments to make on the proposals

Countryside and Greenspace  
Douglas Community Council

## **5 Representation(s)**

- 5.1 For this type of application statutory advertisement of the application was undertaken by the applicant and this was carried out in July 2019. No letters of representation have been received following this advertisement.

## **6 Assessment and Conclusions**

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is an extension to a wind farm that already has a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration.
- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.3 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorizes distinct areas into groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes

areas described as 'community separation for consideration of visual impact' and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. Visual impact, including the impact on settlements, is assessed at paragraphs 6.36 to 6.42. Group 3, identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below. Paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." There are no national or international designations within the application site and there are no communities within 2km of the proposed turbines. It is, therefore, considered the proposed development accords with SPP subject to further detailed assessment of the proposals in relation to the Development Plan.

- 6.4 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of the GCVSDP. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently, it is considered that, the proposal accords with Policy 10 of the GCVSDP.
- 6.5 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015, the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. Taking into account the proposals would result in 38MW of additional renewable energy, in line with Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change, subject to the assessment against other development management criteria and this is carried out below.

- 6.6 Policy 3: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. It is considered that the principle of the proposals are a suitable use and accord with the spatial strategy of SLLDP Policy 3. Therefore, there are no further implications for the countryside strategy set out within the Development Plan.
- 6.7 Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The proposal's impact in terms of the local community, amenity, ecology and landscape and visual impact is assessed in detail and in relation to more specific policy criteria throughout the following assessment section below. It is, therefore, considered that the proposals comply with the broad principle of this policy subject to this further detailed assessment.
- 6.8 Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and these are assessed in turn below.
- 6.9 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The proposed development is not located in an international or national designated site. Muirkirk and North Lowther Uplands Special Protection Area (SPA) and Muirkirk Uplands Site of Special Scientific Interest (SSSI) lie adjacent to the proposed development site, and Red Moss Special Area of Conservation (SAC) and the associated SSSI are the nearest designated sites. It is, considered that, the turbines themselves would not have any additional impact upon the Red Moss SAC and SSSI as the qualifying interests relate to bog land. It is, considered that, the construction of the turbines could have a potential impact on the water course which feeds the bog land if careful construction practices are not implemented. The Environmental Impact Assessment Report (EIAR) submitted in support of the application notes this and proposes effective mitigation in the form of ensuring good environmental practices are carried out throughout the construction period. It is, considered that, this is effective mitigation to ensure the bog land is not affected by the proposals. SNH, in their response to the Scottish Government are content that subject to a condition requiring the implementation of the environmental construction practices through a Construction Environmental Management Plan (CEMP) the proposals would not have a detrimental impact upon this bog land.



- 6.10 In relation to the Muirkirk and North Lowther site, this is classified for its breeding and wintering populations of hen harrier and breeding populations of merlin, peregrine, short-eared owl and golden plover. The consented Kennoxhead Wind Farm took cognisance of the site's proximity to this SPA and SSSI and the setting up of a Habitat Management Group (HMG) was part of the mitigation measures to minimise the turbines potential impact upon the bird population within the neighbouring SPA. An HMG is included within the proposed mitigation measures for this application to ensure that the additional turbines are accounted for as part of the mitigation in relation to any potential impact upon the SPA. In their response to the Scottish Government, SNH state that they are content with the proposed mitigation in relation to the SPA included within this application subject to it forming conditions of any consent. On this basis, it is, therefore, considered that subject to a condition requiring an HMG and the aforementioned CEMP, the proposals would comply with the policy criteria in this instance.
- 6.11 Policy 15 states that in Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy and guidance provided in the SG on the Natural and Historic Environment.
- 6.12 The SG on Natural and Historic Environment contains a number of policies on the historic environment covering category 2 national designations (Category A listed buildings and their setting fall within this designation) and includes the following policy requirements:
- Policy NHE 2 Scheduled Monuments and their setting states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances.
  - Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest.
  - Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character.
  - Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.
- 6.13 The EIAR submitted with this Section 36 application contains a cultural heritage assessment as part of the document. There are no scheduled monuments, listed buildings, historic battlefields or Inventory Gardens and Designed Landscapes (GDL) within the application site. There are no listed buildings, historic battlefields or GDLs within 5km of the turbines. There is 1 Category A Listed Building and 10 Category B Listed Buildings located within Douglas, located a minimum of 6.5km from the nearest turbines and it is considered that this distance and the buildings' location within an urban setting minimises any impact the turbines could have upon their setting. Likewise, the Douglas Conservation Area is located some 7km from the turbines and again this distance and the urban setting of the Conservation Area minimise any potential impact. There are no C Listed buildings within 10km of the turbines.

- 6.14 There are 3 scheduled monuments within 5km of the turbines. These are the Glenbuck Ironworks (SM2931), Cairn Kinney (SM4275) and Cairn Table (SM4631). In relation to the Glenbuck Ironworks, it is noted that this is located over 4km from the turbines. It is also located across the A70 which in itself visually separates this heritage asset from any potential impact on its setting from the turbines as does its position to the north of the application site on elevated land that limits any joint views of the turbines and the monument. It is therefore considered that the turbines would not have any negative impact upon the setting of this scheduled monument. Cairn Kinney is located some 3.6km to the south east of the nearest turbines with Cairn Table located some 2.15km to the north west of the site. Both scheduled monuments are Neolithic or Early Bronze Age cairns and both have a line of sight between each other. Cairn Kinney sits on the peak of a steep hill some 493m AOD above the confluence of the Duneaton Water and Bains Burn and has a visual relationship with Cairn Table in views to the north -west. Cairn Table comprises 2 cairns that sit 593m AOD on the peak of a steep sided hill overlooking the valley which runs south-east of the cairn to the Duneaton Water.
- 6.15 Turbines 1, 2 and 3 of the proposed development are located on the western edge of the consented Kennoxhead Wind Farm and are in line of sight between the 2 cairns. The consented Kennoxhead Wind Farm has 6 turbines that would be closer to Cairn Kinney than these 3 proposed turbines but as they are slightly east of the proposals they are not as directly in the line of sight between the cairns as the 3 proposed turbines are, although it does have to be acknowledged that currently there is already turbine development that when constructed will be visible from views between both cairns. It should be noted that, the neighbouring Penbreck wind farm also has a turbine that is within this line of sight between the cairns as it extends from the boundary of the current application site westwards. In their advice to the Council, WOSAS have stated that they do not consider there to be any additional, visual impact upon the setting of these cairns what can already be constructed. It is, considered that, whilst there may be additional turbines introduced into the views between the cairns and directly within their line of sight of each other, the turbines are not introducing new visual interruption between these cairns. Individually, it is considered that the proposal would not have a direct impact upon either setting of the cairn but that there is an interruption in the line of sight each cairn was designed to have of each other. The crux of the assessment is therefore whether the introduction of the 3 additional turbines would have a significant and detrimental effect on these cairns.
- 6.16 Due to the heights of the cairns siting in relation to the turbines height and siting it is considered that the cairns will still be prominent within the landscape and they will not be dominated by the turbines. The broad nature of the landscape and the separation distance between both cairns of just over 5.5km of each other, would ensure that any turbine development (proposed or consented), whilst visible between cairns, would not block the line of sight directly, nor be a barrier to the reading of each cairn from the other. It is, therefore, considered that in line with the advice from WOSAS, due to the nature of the landscape, the scale of the proposed turbines and the turbines already consented, that the proposed turbines would not have a significantly detrimental effect on these historical assets that, on balance, would result in an effect that would outweigh the merits of the proposals. It should be noted, however, that Historic Environment Scotland (HES) have responded to the Scottish Government stating that they object to the proposals in relation to the impact the turbines have in relation to these 2 Scheduled Monuments. However, HES remit is with the historic environment and it is not required to focus on other aspects of the proposals, unlike, the Council. The Scottish Government, as the determining authority, will therefore be required to take a balanced view on all aspects of the proposals including all consultation

responses. The Council would be supportive of any additional mitigation proposed in relation to this issue.

- 6.17 Other policies within SG Natural and Historic Environment that relate to category 2 national designations are Policies NHE 9, NHE 10 and NHE 11. Policy NHE 9 requires to be considered in relation to this proposal. It states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. As previously mentioned, there are 3 SSSIs close to the application site. Firstly, there is the Red Moss SSSI which shares the same boundary and qualifying interests as the Red Moss SPA and therefore the assessment in 6.9 above for the SPA also applies to the SSSI. The 2 remaining SSSIs are the Muirkirk Uplands SSSI and North Lowther Uplands SSSI which are designated for their geological features and upland habitats as well as for populations of hen harriers and short-eared owls. It is considered that an increase in turbine height would have no impact upon the qualifying interests of these designations with the exception of the ornithological interests of the Muirkirk and North Lowther SSSIs. Impact on ornithology in relation to protected species has been considered in para 6.10 above as the Muirkirk and North Lowther SPA also encapsulates these SSSIs. It is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.
- 6.18 This SG also contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. The impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.24 below. It is considered that the proposals would not significantly affect Category 2 designations.
- 6.19 In Category 3 areas, development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected. The Category 3 local designations are taken in turn below with further policy and guidance provided in the SG Natural and Historic Environment.
- 6.20 SG Natural and Historic Environment contains the following policies on the historic environment under category 3 local designations. (Category B and C listed buildings and their setting fall within this designation):
- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
  - Policy NHE 6 Non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
  - Policy NHE 7 Conservations areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.
- 6.21 As noted in paragraph 6.13 above, there are no C listed buildings within 10km of the application site. In relation to Category B listed buildings and the Douglas Conservation Area, as considered in paragraph 6.13 above, it was concluded that, the

proposed amendments would not have any impact on these cultural heritage assets within a 10km radius of the site. Subject to the Scottish Government attaching a suitable archaeological condition, it is considered that the proposals comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.

- 6.22 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP; and the SG Natural and Historic Environment contains further guidance on SLAs and the wider landscape. There are 2 SLAs within 10km of the application site. The Douglas Valley SLA is the nearest and is approximately 5 to 7km to the north east of the site. The Leadhills and Lowther Hills SLA is located some 7.5km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the Environmental Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. The Leadhills and Hills SLA is considered not to experience significant effects due to a combination of distance and limited opportunities to view the proposed development from the area as a whole due to topography. In regard to the Douglas Valley SLA, it is considered that this SLA's designation relates to the broad, open valley floor and the proposals are located on the west side of the valley and in the rising slopes and hills of the southern side of the valley. It is, therefore, considered that the integrity of the SLA's character is not compromised by the introduction of further turbine development and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.
- 6.23 Policy NHE 15 in the SG Natural and Historic Environment (category 3 local designations) states that development on undesignated peatland will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the Renewable Energy Supplementary Guidance. The site is not considered to have any large peat deposits. It should be noted that, both SEPA and SNH are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would be included. It is, therefore, considered that in this instance, solely as a consultee, the Council shall defer to both these bodies in relation to peat management. However, from the information provided it would seem that the development would not have a significant adverse impact on peat.
- 6.24 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The SG on Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. The Environmental Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. The application area is not identified as being at the risk of flooding. Roads and Transportation Services (Flood Risk Management) have no objections to the proposals. It is, therefore, considered that the proposals will have a limited impact upon the water environment. It should also be noted that SEPA as a separate consultee will provide further detailed advice on the water environment.
- 6.25 SLLDP Policy 19 'Renewable Energy' states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord

with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy sets out three groupings in relation to wind energy development. These are as follows:

- Group 1: Areas where wind farms will not be acceptable
- Group 2: Areas of significant protection
- Group 3: Areas with potential for wind farm development

6.26 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development.

6.27 In terms of Group 2 Areas of significant protection, SPP and SG10 recognise the need for significant protection of particular areas which include:

- National and international designations
- Other nationally important mapped environmental interests
- Community separation for consideration of visual impact

6.28 National and international designations, as well as other nationally important mapped environmental interests, have been previously assessed at paragraphs 6.8 to 6.17 and it is considered that, subject to conditions, there are no adverse effects on national and international designations. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. There are no communities within 2km of the application site with the nearest, Glespin being over 3km from the site.

6.29 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy (SG10) states that beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. The principle of wind farm development on this site is considered to be acceptable, therefore, there is no further need to assess the wind farm on a spatial level (Group 3).

6.30 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. It should be noted that, as a consultee to the application, not all the criteria are relevant to be assessed against as part of this response and, therefore, only the relevant criteria are assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc., therefore, do not form part of this assessment as they will be providing their own responses directly to the Scottish Government.

6.31 The relevant Table 7.1 criteria is taken in turn as follows;

6.32 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.8 to 6.17 and it is considered that there are no adverse effects on national and international designations.

- 6.33 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.  
The proposals are for 8 turbines of a size that results in a total generating capacity of 40MW and therefore it is considered the renewable energy generation would be on a large scale.
- 6.34 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.  
This criterion, in line with Policy NHE19 in the SG Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. This consideration has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP above and it is considered that subject to the mitigation within the EIAR and the implementation of a HMG the proposed development accords with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds. SNH's consultation response to the Scottish Government agrees that the proposed mitigation and an HMG are acceptable in relation to ecology and the natural environment.
- 6.35 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).  
As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.
- 6.36 Landscape and visual impacts  
It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. Firstly, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. The assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.
- 6.37 The application site is located within the Rolling Moorland Landscape Character Type (LCT) and specifically the majority of the turbines (7 of 8) are within the Rolling Moorland with Forestry, LCT subtype, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The key characteristics of the Rolling Moorland LCT are its distinctive upland character created by elevation and rolling or undulating landform and the predominant lack of modern development as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The Rolling Moorland with Forestry subtype's key characteristic is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The application site is located within an area that is currently defined as to be of low sensitivity and low landscape value in relation to wind turbine development. The landscape therefore has capacity for the siting of wind turbines.

- 6.38 The application site is located within an area that is identified as having medium capacity for wind turbines at a scale of 150m to 200m within the finalised Tall Turbine Addendum, 2017 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150m may be appropriate. It identifies 4 categories of capacity, High, Medium, Low and None. It should be noted that, the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains more LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200m in rolling moorland and its forest sub type. It states that, due to the modest scale of landforms in this LCT, taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that with turbine heights varying from 55m to 149.9m in height, the addition of larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.
- 6.39 It is considered that the scale of the rolling moorland LCT and its forest sub type coupled with the site's relative remoteness from communities could accommodate turbines of this scale. Taken in the context of the proposal being an extension of the consented Kennoxhead Wind Farm, the turbine height would not have any additional significant, detrimental effect in terms of landscape impact or visual impact as it would read as an extension to Kennoxhead. This and the low sensitivity for wind farm development in the landscape, therefore, leads to the conclusion that the turbines would not have any additional, significant adverse landscape or visual impact upon the area than that already consented. There are no communities within 2km of the site and, therefore, the height of the turbines will not introduce any residential visual impact issues.
- 6.40 The siting of the turbines has been designed to ensure that they are read as part of the Kennoxhead Wind Farm. Whilst acknowledging that these proposals will have a visual impact upon the landscape it is considered that they would be viewed in relation to Kennoxhead and therefore the visual impact is already apparent. The large, broad nature of the landscape creates capacity for the siting of large scale development. It is considered that the addition of 8 carefully sited turbines would not increase the visual impact in a significantly detrimental way. 5 of the turbines are located to the east of Kennoxhead and 3 to the west. All the turbines are sited level with the existing north to south boundary of Kennoxhead therefore it is ensured that visually they flank Kennoxhead on either side and do not enlarge the visual footprint of Kennoxhead from east or west views. The proposed turbines would sit comfortably alongside Kennoxhead Wind Farm in the large landscape and would be viewed together. It is, therefore, considered that the landscape has capacity for additional turbines of this number and scale and that there would not be any additional, significant negative visual impact.
- 6.41 Therefore, taking into account the above assessment, it is considered that in terms of landscape and visual effects the proposals are acceptable.
- 6.42 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.  
The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. Criteria 10 contains

3 considerations which are; residential, visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraphs 6.36 to 6.41 above. As previously noted, there are only 2 residential properties within 2km of the turbines, neither are inhabited and both are owned by the applicant.

- 6.43 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the Environmental Report. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that appropriate conditions be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. As there are no uninhabited residential properties within 2km of the proposals, shadow flicker is considered to not have a significant impact.
- 6.44 Impacts on carbon rich soils and peat, using the carbon calculator.  
No nationally important mapped areas of carbon rich soils, deep peat or priority peatland lie within the application site. SNH and SEPA will provide the Scottish Government with more detailed and technical advice on the management of any shallow peat deposits on site and any potential peat creation that may be possible as part of the scheme.
- 6.45 Impact on Public Access.  
The proposals would involve the creation of new tracks which would provide new access routes for the public and do not impinge on any existing Right of Way or existing pathways.
- 6.46 Impacts on the historic environment.  
This consideration has been assessed against SLLDP Policy 15 above.
- 6.47 Impacts on tourism and recreation.  
It is considered that 8 turbines of this scale in this location would have no significant, detrimental impact upon tourism or recreation within the local area.
- 6.48 Impact on road traffic and on trunk roads.  
Transportation Services have no objections to the proposals subject to a traffic Management Plan, details of abnormal load routing and financial provision to cover the extraordinary wear and tear of the public road network associated with the delivery of the turbines. The Trunk Roads Authority will also provide their own response to the Scottish Government in relation to the Trunk Road Network.
- 6.49 Decommissioning and restoration.  
The applicant has requested a 30 year consent for the turbines and the EIAR states that the site would thereafter be restored back to forestry. It is considered that this is a suitable restoration proposal. A restoration bond or other financial guarantee would, therefore, be required to meet all the expected costs of any decommissioning and restoration. The bond or guarantee will have to satisfy the Council's criteria and should be a condition of any consent, if issued by the Scottish Government.
- 6.50 Environmental Protection  
Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licences under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The



Kennoxhead Wind Farm Consent conditioned a suite of environmental measures to be carried out as part of its construction, and it is considered that these should, where appropriate, also be attached to any consent for this extension if granted.

**6.51 Mitigation**

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with robust and appropriate mitigation measures.

**6.52 Legal agreement**

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment (as discussed in paragraph 6.53 below), the appointment of a Planning Monitoring Officer and for control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements will form part of the consultation response to the Scottish Government.

**6.53** The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.31 to 6.52. In addition to this, another principle set out in the SG Renewable Energy at paragraph 2.10 and in SPP at paragraph 173 relates to community benefit. SPP states that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that should consent for the proposed development be granted and implemented the applicant will provide a package of community benefit, for the lifetime of the development based on the electricity generated.

**7. Conclusion**

**7.1** The proposals are for the erection of 8 wind turbines at a height of 180m to tip and associated infrastructure. The proposals have an electricity generating capacity of 38MW and are an extension to the consented Kennoxhead Wind Farm which has a generating capacity of 91.2MW and, therefore, the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application.

**7.2** It is considered that the turbines are of a scale that is acceptable within the rolling moorland and forestry landscape and that their siting has been designed so that they appear as part of the already consented Kennoxhead Wind Farm rather than a new standalone development. The turbines are not within 2km of any community or uninvolvement property and therefore do not have an unacceptable visual impact on any residential property or community. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission.

**7.3** Due to the siting of turbines 1, 2 and 3 there is a visual impact upon the setting of 2 Scheduled Monuments but it is considered that on balance the turbines do not introduce any significant impact on these assets than that already created by turbines consented as part of Kennoxhead Wind Farm and the neighbouring Penbreck Wind Farm. This assessment is supported by WOSAS.

**7.4** It is, therefore, considered that the proposals are acceptable and South Lanarkshire Council would have no objection to the application.

## **8 Reason for Decision**

- 8.1 The proposed 8 wind turbines at 180m to tip and associated infrastructure are considered acceptable, are not considered to have any significant, adverse impact within the surrounding area and, on balance, accord with the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government subject to the imposition of the attached, recommended conditions and legal agreement.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 28 August 2020

### **Previous references**

- ◆ P/19/1145

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
  
- ▶ Consultations
  - Roads Development Management Team 13.05.2020
  - Environmental Services 27.08.2020
  - WOSAS 14.05.2020
  - Roads Flood Risk Management 10.06.2020

### **Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

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### Conditions and reasons

01. Except as otherwise required by the terms of the Section 36 consent and associated deemed planning permissions, the Development shall be undertaken in accordance with the Environmental Impact Assessment Report dated March 2020 and any associated appendices.

Reason: To ensure that the Development is carried out in accordance with the approved details.

02. No development shall commence until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The turbines shall be consistent with the candidate turbine or range assessed in the Environmental Impact Assessment Report dated March 2020, and the tip height shall not exceed 180 metres above ground level. The turbines, masts and associated apparatus shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

All wind turbine blades shall rotate in the same direction.

None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

Reason: In order to define the terms of the consent.

03. No development shall commence until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

Reason: To ensure that the environmental impacts of the substation and ancillary development forming part of the Development conform to the impacts assessed in the Environmental Statement and in the interests of the visual amenity of the area.

04. All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the locations shown throughout the Environmental Impact Assessment Report dated March 2020. Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and Historic Environment Scotland) micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned more than 5m higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown within the Environmental Impact Assessment Report dated March 2020;
- b. No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the approved plans;
- c. No access track shall be moved more than 50m from the position shown on the approved plans;
- d. No micro-siting shall take place within areas of peat of greater depth than the original location;
- e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
- f. All micro-siting permissible under this condition (other than that approved in writing by the Planning Authority) must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

No later than one month after the date of Final Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

Reason: To control environmental impacts while taking account of local ground conditions.

- 05. No development shall commence until a site specific scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;
  - a. A detailed working method statement based on site survey information and ground investigations;
  - b. Details of the handling of any overburden (including peat, soil and rock);
  - c. Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems from drying out;
  - d. A programme of implementation of the works described in the scheme; and
  - e. Full details of the reinstatement, restoration and aftercare of the borrow pits at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the Application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pits at the end of the construction period.

- 06. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:

- a. Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- b. Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts in any 3 month period, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- c. Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- d. Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties;
- e. Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

07. No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Environmental Clerk of Works (ECoW). The terms of appointment shall:

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments in the Environmental Impact Assessment Report dated March 2020 lodged in support of the application, the Construction and Environmental Management Plan and the Habitat Management Plan approved. (The works required to be carried out in accordance with the plans referred to in this paragraph are hereafter referred to as "the ECoW works");
- b. Require the ECoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- d. Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of tree felling, construction activity and during any period of post construction restoration works approved in terms of condition 30.

No later than 18 months prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the Company shall submit to the Planning Authority for approval, in consultation with SEPA, details of the terms of appointment by the Company of an independent ECoW throughout the

decommissioning, restoration and aftercare phases of the Development. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

08. No development shall commence until a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, at least two months prior to the proposed commencement, and approved in writing by the Planning Authority in consultation with SEPA. Phase 1 Felling may progress subject to the provision and approval of details outlined in parts (a), (k), and (u) below.

The CEMP shall include (but shall not be limited to):

- a. a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and including forest waste), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- e. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- f. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site, including specific details relating to the Red Moss SAC/SSSI;
- g. soil storage and management;
- h. a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use, as well as details of an appropriate seed mix and reseeding/soil erosion control proposals;
- i. a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources;
- j. details of compliance with the Planning Authority's Sustainable Drainage Systems (SuDs) and Flooding design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5.
- k. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- l. sewage disposal and treatment;
- m. temporary site illumination;
- n. the construction of the access into the site and the creation and maintenance of associated visibility splays;
- o. the method of construction of the crane pads;

- p. the method of construction of the turbine foundations;
- q. the method of working cable trenches;
- r. the method of construction and erection of the wind turbines and meteorological masts;
- s. details of watercourse crossings;
- t. post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- u. a felling and tree management plan, including restocking plan as described in the Environmental Impact Assessment Report dated March 2020 plus an independent yearly monitoring survey and reporting plan for 10 years to ensure woodland re-establishment.
- v. a Construction Noise Management Plan detailing the processes and control measures to be implemented to mitigate impacts of construction activity which have the potential to give rise to excessive noise at nearby sensitive receptors, with specific reference to Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009).

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with SEPA, and where there are forestry interests; in consultation with Forest and Land Scotland.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report accompanying the Application, or as otherwise agreed, are fully implemented.

09. The design, construction and maintenance of all infrastructure must ensure that the quality and quantity of the groundwater that feeds sensitive receptors (groundwater abstractions and Groundwater Dependant Terrestrial Ecosystems (GWDTE)) downstream from any infrastructure does not statistically significantly change and the development does not act as a preferential pathway to groundwater flow.
- a. The results of pre-construction ground investigation works with respect to groundwater presence, depths and distribution and subsequent detailed infrastructure and drainage design shall be provided to SEPA and the Planning Authority. Appropriate best practice construction techniques and drainage measures should be included. This will be used to help inform potential impacts to GWDTE. Any associated and agreed mitigation should also inform the site's CEMP. Should the information provided be deemed inadequate by either the Planning authority or SEPA, or the Planning Authority or SEPA identify there are significant risks to wetlands which are shown to have a groundwater contribution, then Parts (b) and (c) of this condition should be implemented.
  - b. On-going monitoring of the groundwater as set out in SEPA Technical Guidance Note 1: The Monitoring of Infrastructure with Excavations Less than 1m Deep within 100m of Sensitive Receptors (Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem) (Appendix 4 to SEPA Planning Guidance LUPS-31 Guidance on Assessing the Impacts of Development

Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem).

- c. The monitoring results demonstrating whether the quality of groundwater and/or hydrological connectivity is being maintained must be presented to the Planning Authority in consultation with SEPA annually from the commencement of development in the required format. If monitoring identifies that the requirements are not being met, remedial action must be taken within 6 months in agreement with the Planning Authority in consultation with SEPA.

No excavations greater than 1m deep within 100m of sensitive receptors may take place unless agreed in writing with the Planning Authority in consultation with SEPA.

The monitoring programme must be agreed in advance, and implemented in full, unless otherwise agreed by SEPA and the Planning Authority.

Reason: To ensure the protection of Groundwater Dependent Terrestrial Ecosystems

- 10.
  - a. No work shall be undertaken within a 20m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority;
  - b. Track layout shall minimise disruption to water courses;
  - c. Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains;
  - d. Silt traps shall be provided on all existing drainage routes affected by site works;
  - e. Bridge crossings across watercourses should, where possible, be used instead of culvert designs where existing culverts do not already exist or require to be upgraded; and/or where CAR authorisation cannot be achieved for new culverts;
  - f. Bridge crossings and culvert design shall be put forward and agreed in writing with the Planning Authority in consultation with SEPA;
  - g. Any disturbance of watercourses shall be minimised utilising cofferdam temporary works;
  - h. Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created;
  - i. Cable trenches shall be plugged to prevent the creation of new drainage paths;
  - j. The scheduling of works shall minimise disruption and working within wet weather;
  - k. Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater;
  - l. Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority;
  - m. Backfilled trenches shall be re-vegetated;
  - n. Temporary silt traps shall be constructed to treat runoff;
  - o. Sulphate resistant concrete shall be used to prevent leaching of chemicals.

Reason: To ensure that all construction operations are carried out in a manner that minimises impacts on the water environment.

- 11. Construction work which is audible at any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays. Outwith these specified hours, development on the site shall be limited to turbine erection, maintenance, emergency works, dust suppression,



and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays.

Reason: In the interests of local amenity.

12. No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority. The TMP shall include:
- a. The routing of all traffic associated with the Development on the local road network;
  - b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
  - c. Details of all signage and lining arrangements to be put in place;
  - d. Provisions for emergency vehicle access;
  - e. Identification of a nominated person to whom any road safety issues can be referred; and
  - f. A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.

Following approval of the TMP:

- g. The Company shall notify the Planning Authority in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The Company must consult with the Planning Authority and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out;
- h. The Company shall undertake all work associated with the approved TMP and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The Company shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of the Planning Authority in consultation with the Roads Authority;
- i. At least 3 months prior to the first delivery of an abnormal load the Company shall undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Planning Authority as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relations strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments requires to be submitted to and approved by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

13. No development shall commence until a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on any public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, is submitted to and approved by the Planning Authority.

Reason: In the interests of road and public safety and to ensure that all loads access the site in a safe manner.

14. No development shall commence until a detailed Access Management Plan (AMP) has been submitted to and approved by the Planning Authority. The approved AMP must thereafter be implemented within the timescales set out. The AMP shall be produced in consultation with the Planning Authority's Countryside and Greenspace Service. The AMP shall incorporate and identify the Planning Authority's Core Path and Wider Network and provide signage where the network identifies links. No works apart from Phase 1 Felling shall commence on site until such times as the AMP has been submitted and approved in writing by the Planning Authority.

Reason: In the interests of local amenity and public safety.

15. No development shall commence until a habitat management plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The habitat management plan shall set out proposed habitat management of the wind farm site during the period of Phase 1 Felling, construction, operation, decommissioning, restoration and aftercare of the site.

The habitat management plan shall include the following:

- a. Measures to help reduce potential collision risk to Muirkirk and North Lowther Uplands Special Protection Area/SSSI hen harriers and associated post-construction vantage point monitoring. Such measures shall include details of sward management in keyhole and other open areas within the Development site;
- b. Measures to establish, maintain, and monitor two habitat management units as outlined in the Environmental Impact Assessment Report dated March 2020, specifically Management Unit A - Blanket Bog, and Management Unit B - Black Grouse Enhancement Area.

The approved habitat management plan must include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat management plan objectives. In particular, the approved habitat management plan must be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SEPA.

Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan and any updated approved habitat management plan shall be implemented in full.

Reason: In the interests of good land management and the protection of habitats.

16. The Company shall within one month following the date of Commissioning invite the Planning Authority and RSPB to participate with them in a Habitat Management Group (HMG). The purpose of the HMG will be to oversee the delivery of the Habitat Management Plan (HMP) and to review and assess the results from on-going monitoring. The HMG shall have the power to review the terms of the HMP but changes to the HMP shall only take effect once approved in writing by the Planning Authority.

Reason: In the interests of good land management and the protection of habitats.

17. Not more than 3 months prior to commencement of development a pre- construction survey for otter, badger and water vole shall be submitted for the approval of the Planning Authority in consultation with Nature Scotland. Thereafter any required works must be carried out in accordance with the approved mitigation measures and timescales set out. Should any otter, badger and/or water vole be recorded, a licence must be obtained from Nature Scotland prior to works commencing if this is required.

No part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Planning Authority and a European Protected Species licence shall be obtained from Nature Scotland, if deemed necessary by them.

Construction and decommissioning work within 500m of black grouse leks, shall not be undertaken between 3am and 9am during the black grouse breeding season, March to July, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of safeguarding protected species.

18. No development shall commence until a deer management statement has been submitted to and approved in writing by the Planning Authority. The deer management statement shall set out proposed long term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration.

The approved deer management statement shall thereafter be implemented in full.

Reason: In the interests of good land management and the management of deer.

19. With the exception of Phase 1 Felling, no development shall commence until the Planning Authority in consultation with the West of Scotland Archaeology Service has approved the terms of a programme of archaeological works to be observed during construction of the Development, to include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be so preserved.

The approved programme of archaeological works shall thereafter be implemented in full and all recording and recovery of archaeological resources within the development site must be undertaken to the satisfaction of the Planning Authority in consultation with the West of Scotland Archaeology Service.

Reason: To ensure the protection or recording of archaeological features on the site.

20. No development shall commence until a forest planting scheme has been submitted for the written approval of the Planning Authority in consultation with Forestry and Land Scotland. The approved scheme shall thereafter be implemented as approved and maintained as such for the lifetime of this consent.

Reason: To secure replanting to mitigate against effects of deforestation arising from the construction of the Development.

21. With the exception of Phase 1 Felling, prior to Commencement of Development, the Company shall appoint and pay for an independent and suitably qualified geotechnical engineer acceptable to the Planning Authority, the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority.

The Company shall undertake continuous monitoring of ground conditions during the construction and deforestation phases of the Development. Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the Development. If a risk of peat failure is identified, the Company shall install such geotechnical instrumentation to monitor ground conditions as is recommended by the geotechnical engineer and shall monitor ground conditions. Any remediation work considered necessary by the geotechnical engineer shall be implemented by the Company to the satisfaction of the geotechnical engineer. Monitoring results shall be fed into risk analysis reports to be submitted to the Planning Authority on a quarterly basis during the construction and deforestation phases of the Development.

Reason: To minimise the risk of peat failure arising from the Development.

22. The development site, not including the turbines, shall not be illuminated by lighting unless:
- a. the Planning Authority has given prior written approval;
  - b. lighting is required during working hours which has been approved by the Planning Authority; or
  - c. an emergency requires the provision of lighting.

Reason: In the interests of minimising visual disturbance in the vicinity of the Development

23. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within the Kennoxhead Wind Farm Extension-Technical Noise Appendix 11.1 (REVISION 03 - 20 FEBRUARY 2020) the following noise emissions shall be adhered to-

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the cumulative projections contained within the Technical Noise Appendix 11.1 (REVISION 03 - 20 FEBRUARY 2020)

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times

at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the cumulative projections contained within the Technical Noise Appendix 11.1 (REVISION 03 - 20 FEBRUARY 2020)

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the cumulative projections contained within the Technical Noise Appendix 11.1 (REVISION 03 - 20 FEBRUARY 2020).

## 2.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition 1.0 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97. The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

## 3.0 Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation (AM) is considered by the Local Planning Authority to be present in the noise emissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of amenity

24. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor, unless agreed in advance with the Planning Authority.

Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

25. Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

26. No development shall commence until a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties, which are served by private water supplies, which lawfully exist or for which planning permission has been granted at the date of the section 36 consent and which may be affected by the Development. The method statement shall include water quality sampling methods and shall specify abstraction points, where identified as being required. The approved method statement shall thereafter be implemented in full.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the development.

27. If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and (ii) implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

28. With the exception of Phase 1 Felling, there shall be no Commencement of Development until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so:

- the date of the expected commencement of each stage of construction;
- the height above ground level of the tallest structure forming part of the Development;
- the maximum extension height of any construction equipment; and
- the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

29. No turbines shall be erected until a scheme for aviation lighting has been submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Civil Aviation Authority. Once approved, the scheme shall be fully implemented as approved and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of aviation safety.

30. The Development shall cease to generate electricity by no later than the date falling 30 years from the date of Final Commissioning. The total period for restoration of the site in accordance with this condition shall not exceed three years from the date on which the Development, hereby approved, ceases to generate electricity in accordance with this condition without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

With the exception of Phase 1 Felling, no development shall commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and shall include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than 3 years prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- f. soil storage and management;
- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h. sewage disposal and treatment;
- i. temporary site illumination;
- j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- k. details of watercourse crossings;
- l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

31. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
  - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
  - iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
  - v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

No work shall begin at the site until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.

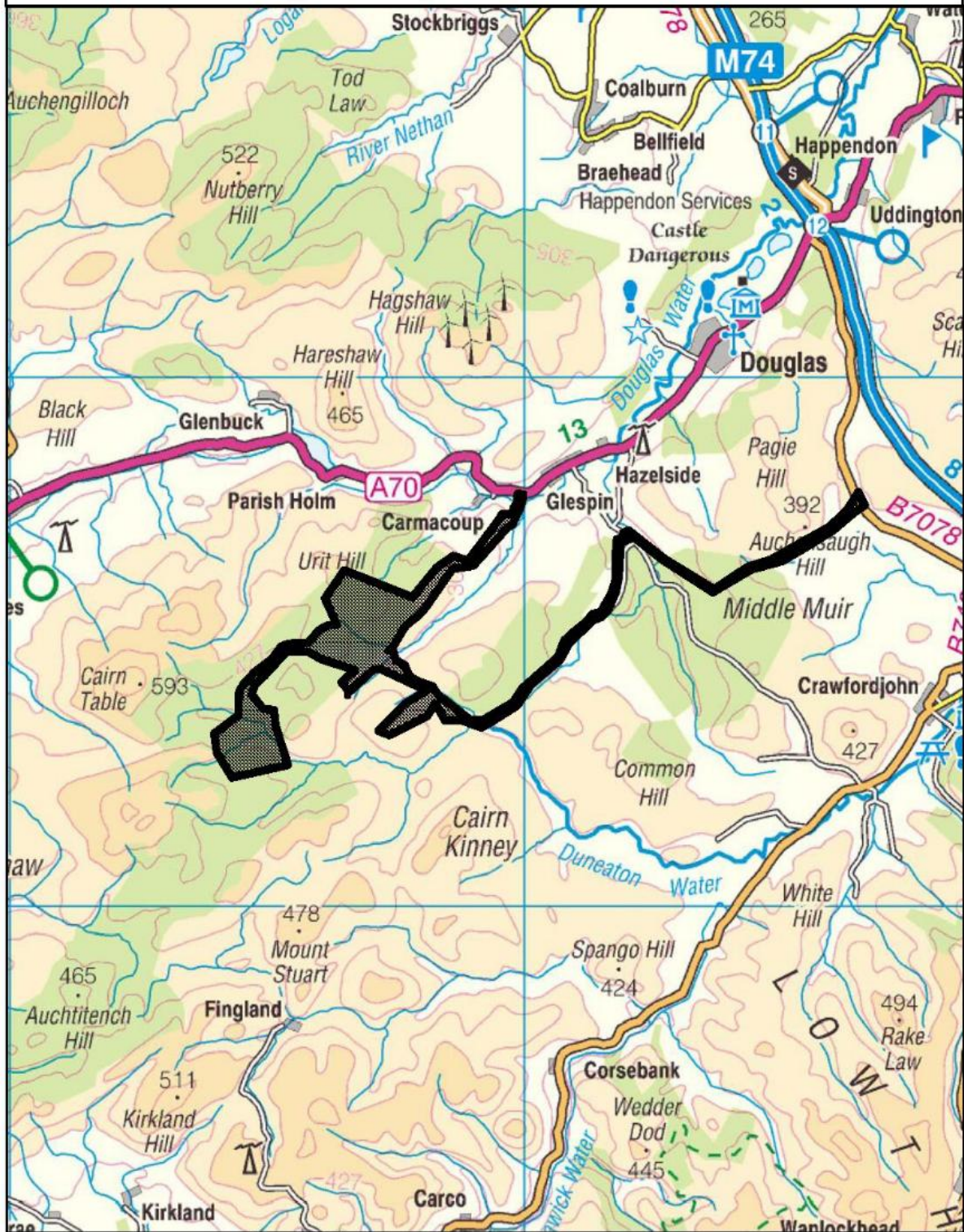
In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.



P/20/0495

Kennoxhead Wind Farm, Glentaggart Road, Glespin



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27/08/2020



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development



# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject	Planning Application HM/15/0466 – Residential Development (Planning Permission in Principle) at Greyfriars, Greyfriars Road, Uddingston
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## 1. Purpose of Report

1.1 The purpose of the report is to:-

- ♦ advise and update Committee on progress associated with the issue of the decision notice for the above planning application and, in particular, the amendment of the proposed obligations in terms of the required legal agreement

## 2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation:-

- (1) Agree to alter the requirements/content of the associated Section 75 Obligation.

## 3. Background

3.1 In terms of the development proposals at the site of the former Greyfriars Monastery, Greyfriars Road, Uddingston there are three inter-related planning applications, as follows:-

- HM/15/0466 for Residential Development for 19 units (Planning Permission in Principle)
- HM/17/0415– Conversion and Extension to Grade B listed Building to form 10 Flatted Units (Listed Building Consent)
- HM/17/0428 Conversion and Extension to Grade B listed Building to form 10 Flatted Units (Detailed Planning Permission)

3.2 On 28 July 2017, application HM/15/0466 was presented to the Planning Committee for determination. After due consideration, it was agreed to issue consent subject to conditions and the conclusion of an appropriate Obligation under Section 75 of the Planning Act. This agreement was considered necessary to secure financial contributions towards community facilities in lieu of on-site play facilities, the provision of educational facilities and affordable housing. Whilst the works proposed by applications HM/17/0415

and HM/17/0428 would be determined under the Council's approved Scheme of Delegation, these would also form part of the Section 75 Obligation.

- 3.3 The existing Greyfriars property has been the subject of vandalism and arson attacks over the years which has resulted in significant damage to the interior and roof of the main building. The proposed new build element would provide the necessary funding to facilitate the retention and conversion of the Category B Listed Building.
- 3.4 Since the application was reported to Committee in 2017, detailed discussions have taken place with the applicant to progress and conclude a legal agreement, thereby allowing the relevant planning applications to be determined. However, concerns have been raised that the level of financial contributions being sought by the Council render the overall proposal unviable and the applicant requested that the requirement relating to the financial contributions be removed from the agreement.
- 3.5 In assessing this request, it is advised that, Armour Construction Consultants were appointed to independently assess the viability of the proposed development. Their assessment concluded that, given the probable development costs, it was unlikely that there would be sufficient residual value to permit the payment of a financial contribution without affecting the viability of the project.
- 3.6 In reaching the decision to recommend the approval of additional residential units within the grounds of the former Greyfriars Monastery, it was considered that this was necessary as enabling works to permit the retention of the existing Category B listed Building. As previously stated, the existing building's condition has deteriorated significantly since the submission of the original application and there is a danger that, should these enabling works not proceed, the existing building may be lost.
- 3.7 Given the above, it is recommended that the requirements for the provision of a financial contribution be removed from the Section 75 Obligation in this instance. However, it is confirmed that an Obligation will still be necessary to ensure that the implementation of any new build works are carried out in a phased manner to ensure the retention, conversion and extension of the existing building on site and that the conversion of the existing building is carried out within an appropriate timeframe.

#### **4. Employee Implications**

- 4.1. None

#### **5. Financial Implications**

- 5.1. None.

#### **6. Climate Change, Sustainability and Environmental Implications**

- 6.1. There are no implications for climate change, sustainability or the environment in terms of this proposal.

#### **7. Other Implications**

- 7.1. There are no risks associated with this proposal.

#### **8. Equality Impact Assessment and Consultation Arrangements**

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.

- 8.2 There is also no requirement to undertake any consultation in terms of the information contained in the report.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

3 September 2020

**Previous References**

- Report to Planning Committee 28 March 2017 in respect of application HM/15/0466

**List of Background Papers**

- None

**Contact for Further Information**

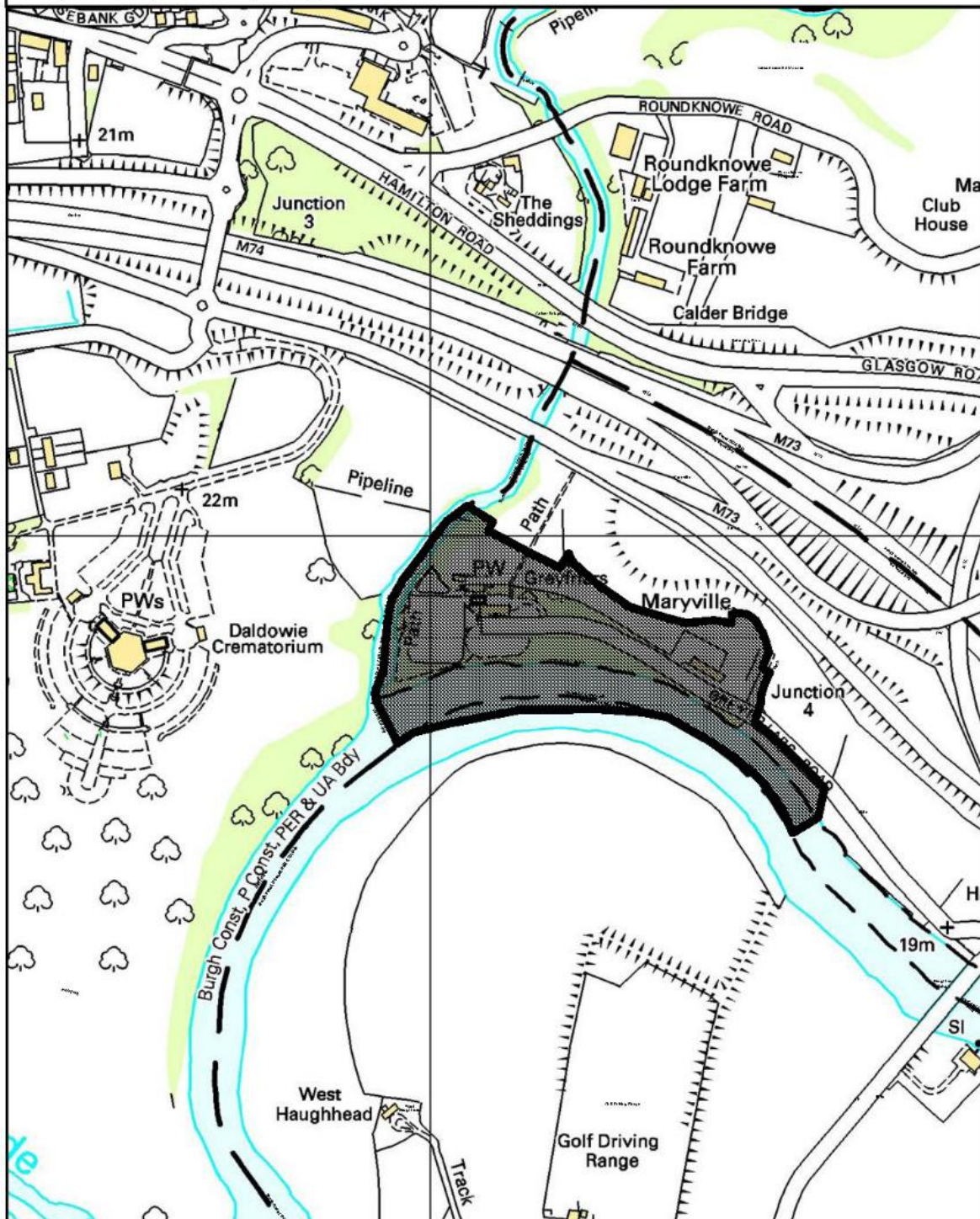
If you would like to inspect the background papers or want further information, please contact:-

James Watters, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB  
Ext: 4970 (Tel: 01698 454670)  
E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)



HM/15/0466

Greyfriars, Greyfriars Road, Uddingston



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**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development

# Report

14

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>22 September 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>BT Payphone Removal</b>
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## 1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise Committee of the consultation process that has been undertaken by the Council as part of BT's proposals to remove 26 public payphones throughout South Lanarkshire
- ◆ seek Committee approval to publish a 'First Notification' stating whether the Council agrees or objects to the removal of each individual payphone and seeking further representations on this
- ◆ seek Committee approval to take any further representations into account and to publish a 'Final notification' setting out the Council's final decisions and to submit this to BT and to the Secretary of State

## 2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the publication of a 'First notification' stating which BT payphones the Council agrees to the removal of and which ones it objects to, as set out in Appendix 1 to the report, be approved; and
- (2) that the Head of Planning and Economic Development be authorised to consider any further representations received in response to consultation on the 'First notification' of the Council's draft decisions and to prepare a 'Final notification' for publication and submission to BT and the Department for Digital, Culture, Media and Sport by 2 November 2020, setting out the Council's final decisions and reasons.

## 3. Background

3.1 In July 2020, the Council received notification from BT that it was proposing to remove 26 payphones from the network in South Lanarkshire (see list in Appendix 1). This is part of their programme of intended public payphone removal throughout Scotland. BT stated that the overall use of payphones has declined by over 90% in the last decade and the need to provide payphones for emergency situations is diminishing, with at least 98% of the UK having either 3G or 4G coverage. BT also advised that, as long as there is network coverage, it is possible to call emergency services even when there is no credit or no coverage from your own mobile provider.

- 3.2 Before the removal can take place, BT must place notices in each payphone, advising of its proposed removal and allowing a 42 day period for comment to the Council's Planning and Economic Development Service. This part of the consultation ended on 19 August 2020. In addition to this initial consultation by BT, the Council must separately consult on the proposed removal of the payphones contained in the list. This has involved contacting all Community Councils with details of proposed removals in their particular areas and providing a consultation page on the Council's website. Three weeks were given for comment, with the consultation period ending on 21 August 2020. Details of the consultation were listed online in the South Lanarkshire View and through the Council's Facebook and Twitter pages. Finally, all elected members were advised of the consultation process and details of the payphones proposed for removal and given the opportunity to make representations.
- 3.3 As part of the process, the Council can object to the removal of any payphone but must provide a reason for its objection. The grounds on which objections can be submitted, however, are limited. For example, socio-economic factors such as the age of the surrounding population, the type of housing in the vicinity, or the economic characteristics of an area may indicate the likelihood of how important the phone would be to those residents, lack of mobile signal in an area, the degree of usage of a phone; or whether the location of the phone indicates that it is likely to be important for emergency use, as identified by calls to police, fire or ambulance because there is no mobile coverage at the location. An objection to the removal of a phone has to be founded on these factors being relevant. In all cases where the Council objects, BT has a right of appeal to the Competition Appeals Tribunal.
- 3.4 Finally, BT has pointed out that the consultation process also allows local communities to adopt traditional red heritage phone boxes if they are proposed for removal. They would not be operational but could be used for many other purposes, such as accommodating defibrillators, book lending services or local information centres.
- 3.5 Members may recall that BT carried out a similar exercise in 2019, with the proposed removal of 36 payphones. Of those 36, the Council agreed to the removal of seven payphones. A large number of payphones which are currently proposed for removal were on the 2019 list and their removal was objected to by the Council.

#### **4. Representations**

##### **4.1 Community Councils, Councillors, MPs and MSPs**

- 4.2 Quothquan and Thankerton Community Council has objected to removal of the payphone at the junction of Millands Road and Mill Road in Thankerton. This is based on broadband and mobile coverage in the area being unstable, with outages at times. In these circumstances, the BT payphone is the only way of communication and calling emergency services. In addition, the payphone is also a BT hotspot for BT customers and provides an internet service which is particularly useful to younger residents. The phone is also used for incoming calls to elderly residents who do not own a mobile. The Community Council also advise that the phone was unusable for three months and, as such, usage is not accurately reflected.

**Response:** It is agreed that these are appropriate reasons for objection to removal of the payphone.

- 4.3 The Royal Burgh of Lanark Community Council has objected to the removal of the payphone at Smyllum Park, Lanark, based on it being an area of deprivation and being needed for emergency calls.



**Response:** Agreed. There are socio-economic reasons in favour of its retention, with the area being ranked in the most deprived 20% in Scotland (Scottish Index of Multiple Deprivation 2020).

- 4.4 Councillor McClymont objected to the loss of the payphones at Main Street, Forth and Smyllum Park, Lanark on the basis of social deprivation in these locations and the need to retain them for public use.

**Response:** Agreed. There are socio-economic reasons for the retention of both phones, as set out in Appendix 1.

- 4.5 Councillor Lockhart objected to the loss of payphones in Smyllum Park, Lanark; Main Street, Forth; Forrest Lane, Carstairs; St Charles Avenue, Carstairs Junction; Main Street, Newbigging and Walston UAX, Carnwath. The objections are based on the higher level of social housing in these areas; the requirement for these phones in emergency situations; and in respect of the phone at Carstairs Junction, a need to retain the phone for rail travellers use.

**Response:** It is agreed that there are reasons for objecting to the loss of the majority of rural payphones, for the reasons set out in Appendix 1.

4.6 Public responses

- 4.7 Consultation with the wider public took place on the Council website in the form of a survey. A total of 45 respondents completed the survey. In addition, an individual email of support was received for the removal of the payphone at Farm Road, Blantyre due to vandalism and anti-social behaviour. An email in favour of the retention of the payphone at Strathfillan Road, East Kilbride, was made on the basis of variable mobile coverage and the need to retain for emergency use.

- 4.8 Where reasons were given for supporting or objecting to the removal of the payphone, they are summarised below.

- 4.9 Forth, Rigside, Crawfordjohn, Abington, Crawford, Elvanfoot, Symington, Thankerton, Walston UAX, Newbigging, Crossford and Dolphinton – not everyone has a mobile phone. Payphones are lifelines in remote areas with sub-optimal mobile signal coverage. They are essential in the event of illness, fire or accident. Payphones also allow access to Government agencies such as DWP and DVLA for those without mobile phone or internet. Elvanfoot is a rural area with no nearby shops or businesses that could be used in an emergency. It is also very near to an accident black spot on the A702.

- 4.10 Carstairs, Carstairs Junction – the area has local shops but no immediate access to cash machines. It would be more beneficial to the community to install a multi-function unit and still provide a service in a rural area.

- 4.11 East Kilbride – Chalmers Crescent and St Leonards Square are used by elderly local residents. Not all families have phones and payphones should be retained. Some of the phone boxes are located close to shops and/or near to where single, vulnerable people are housed. Also, requirement to keep payphones for young teenagers who meet in some of the locations where phones are proposed for removal.

- 4.12 Glassford – a door to door survey should be carried out to ascertain views.

- 4.13 Farm Road/Station Road, Blantyre – near the railway station so useful for people using trains and close to the River Clyde and, therefore, important in case of emergencies. Also, important to retain for anyone suffering abuse who needs a facility to call from privately.
- 4.14 Low Waters Post Office, Birkhill Road, Hamilton – ageing population nearby who may not have access to mobile phones.
- 4.15 For those generally opposing the retention of payphones, the main reasons were that most people have mobile phones and that the payphones are neglected, in poor condition, attract anti-social behaviour and are an eyesore.
- 4.16 **Response:** The comments and points raised in relation to both the urban and rural phones are considered to be appropriate and valid. It is also recognised that lack of maintenance of existing phones is a major issue and one which deters people from using them. Individual recommendations for each payphone are listed in Appendix 1.

## 5. Assessment

- 5.1 The removal of public payphones inevitably raises concerns regarding the impact upon the community and its ability to access these services, particularly in rural areas if the mobile coverage is poor, or in rural/urban areas where socio-economic factors suggest that mobile ownership may be lower than average. An initial view, therefore, has been taken on whether to agree or object to the proposed removal of each payphone.
- 5.2 As well as taking account of the representations made by community councils and the public, a separate analysis of each payphone has also been undertaken. When assessing each payphone, a number of factors have been taken into consideration including:-
- ◆ Payphone usage
  - ◆ Proximity of alternative phone boxes to the community
  - ◆ Socio economic factors and housing types near the phone box
  - ◆ Mobile phone coverage in the area
  - ◆ The number of households served by a phone box
  - ◆ The need to make emergency calls

All of these factors contribute to providing a perspective on the character of each area and the likely need for the payphone.

- 5.3 The analysis has identified that some of the payphones proposed for removal are located within some of the most poorly ranked areas in South Lanarkshire in terms of socio-economic criteria, or areas which have particular population characteristics likely to have greater need of a public payphone i.e. the elderly. In addition, in some of the urban areas, particularly East Kilbride, the phones are located adjacent to shops and facilities where they provide a valuable service and have a reasonable degree of use. It is noted that a number of the phones proposed for removal are located in some of the remoter rural areas of South Lanarkshire. When checked, a number of these phones were not in working order. Usage is, therefore, shown to be very low or nil, this being BTs main justification in proposing to remove them. In most cases where the phone has not been working, this is allied to the phone box being in a poor state of repair. It is considered that, if repaired and appropriately maintained, the presence of the payphone would provide an important emergency link for the community. However, it is considered that a full assessment of any phone which is currently out-of-order cannot be carried out.

- 5.4 Taking account of these factors and the comments referred to above, Appendix 1 sets out the reasons for agreeing or objecting to the removal of each payphone. Having regard to the specified and limited criteria which can be used to assess if payphones should be retained, it is not considered that objections to the removal of payphones can be justified in every case.
- 5.5 In summary and for the reasons set out in Appendix 1, it is proposed to initially object or agree to the removal of payphones as listed below:-

Ward	Object to removal	Agree to removal
01 - Clydesdale West	<ul style="list-style-type: none"> <li>Crossford Hall, Lanark Road, Crossford, ML8 5RE</li> </ul>	
02 – Clydesdale North	<ul style="list-style-type: none"> <li>Smyllum Road, Lanark, ML11 7BT</li> <li>Main Street, Forth ML11 8AE</li> </ul>	
03 – Clydesdale East	<ul style="list-style-type: none"> <li>Forrest Lane, Carstairs, ML11 8QB</li> <li>Charles Ave, Carstairs Junction, ML11 8PG</li> <li>Carlisle Road, Crawford, ML12 6TP</li> <li>Gateside Road, Crawfordjohn, ML12 6SL</li> <li>Car park, Carlisle Road, Abington, ML12 6SD</li> <li>Dumfries Road, Elvanfoot, ML12 6TF</li> <li>Main Street, Symington, ML12 6LL</li> <li>Millands Road, Thankerton, ML12 6NX</li> <li>Adjacent to Walston UAX (Telephone Exchange), ML11 8NF</li> <li>Dolphinton Hall, Edinburgh Road, Dolphinton, EH46 7AD</li> </ul>	<ul style="list-style-type: none"> <li>Opp. 38, Main Street, Newbigging, ML11 8LZ</li> </ul>
04 – Clydesdale South	<ul style="list-style-type: none"> <li>Abbeygreen Road/Priory Road, Lesmahagow, ML11 0AL</li> <li>Beechgrove Street, Rigside ML11 9LU</li> </ul>	
05 – Avon and Stonehouse	<ul style="list-style-type: none"> <li>Larkhall Road, Glassford, ML10 6TH</li> </ul>	
07 – East Kilbride Central South	<ul style="list-style-type: none"> <li>Westwood Square, East Kilbride, G75 8JQ</li> <li>Chalmers Crescent, East Kilbride, G74 0PE</li> </ul>	<ul style="list-style-type: none"> <li>Westwood Hill, East Kilbride, G75 8DD</li> </ul>
08 – East Kilbride Central North	<ul style="list-style-type: none"> <li>Adjacent to 22 Strathfillan Road, East Kilbride, G74 1DA</li> <li>St Leonards Shopping Centre, St Leonards Square, East Kilbride</li> </ul>	

Ward	Object to removal	Agree to removal
12 – Rutherglen Central and North	<ul style="list-style-type: none"> <li>Junction Stonelaw Road Johnstone Drive, Rutherglen G73 2PT</li> </ul>	
13 – Cambuslang East		<ul style="list-style-type: none"> <li>Adj to 100 Dukes Road Cambuslang G72, 7AH</li> </ul>
15 – Blantyre	<ul style="list-style-type: none"> <li>Junction Station Road/Farm Road, Blantyre, G72 0EL</li> </ul>	
19 – Hamilton South	<ul style="list-style-type: none"> <li>Low Waters Post Office, Birkhall Road, Hamilton, ML3 8BG</li> </ul>	

## 6. Next Steps

- 6.1 Should the Committee approve the decisions listed in Appendix 1, the Council must publish its decision in the form of a 'First Notification'. This sets out whether we agree or object to BT's plan to remove the payphone and the reasons why. Copies of the 'First Notification' must also be sent to community councils and be published on the Council's website. A further period of one month must then be allowed for representations to be made in response to the 'First notification'.
- 6.2 Following consideration of any additional comments received, a 'Final notification', setting out the Councils final decisions and reasons is prepared. This must be sent to BT by 2 November 2020; to community councils and to the Department for Digital, Culture, Media and Sport. There will not be an opportunity to report any representations back to committee in order to meet the deadline by which the 'Final notice' must be submitted to BT and, therefore, it is proposed that the Head of Planning and Economic Development be authorised to confirm the 'Final notification' to allow this matter to be concluded within the required timescales.

## 7. Employee Implications

- 7.1 There are no employee implications. Any work undertaken in connection with the consultation can be met from existing resources.

## 8. Financial Implications

- 8.1 There are no budgetary implications.

## 9. Climate Change, Sustainability and Environmental Implications

- 9.1. There are no implications for climate change, sustainability or the environment in terms of this proposal.

## 10. Other Implications

- 10.1 An Ofcom Direction requires Councils to carry out consultation with affected local communities where a payphone is proposed for removal. If the Council does not respond within the allowed time period or follow the procedure correctly, then it will lose its right to object to any payphone removal, irrespective of local objections.

## 11. Equality Impact Assessment and Consultation Arrangements

- 11.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.
- 11.2 All necessary consultation with the community has taken place.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

1 September 2020

**Link(s) to Council Values/Ambitions/Objectives**

- ◆ Make communities safer, stronger and sustainable
- ◆ Promote economic growth and tackle disadvantage
- ◆ Focused on people and their needs

**Previous References**

- ◆ Planning Committee - 10 September 2019

**List of Background Papers**

- ◆ Email from BT dated 7 July 2020 advising of proposed payphone removal and consultation process
- ◆ Email objection from Quothquan and Thankerton Community Council dated 30 July 2020
- ◆ Email objection from Royal Burgh of Lanark Community Council dated 30 July 2020
- ◆ Email objection from Councillor McClymont dated 17 August 2020
- ◆ Email objection from Councillor Lockhart dated 23 July 2020
- ◆ Email of support from Robert Paterson dated 24 August 2020
- ◆ Two emails of support from Mr and Mrs Lanaghan dated 31 July 2020
- ◆ Results from South Lanarkshire Council web survey

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

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## Appendix 1 – List of BT payphones proposed for removal – September 2020

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
01	01555860270	CROSSFORD HALL PC02 LANARK ROAD CROSSFORD CARLUKE	ML8 5RE	2	Object	<ul style="list-style-type: none"> <li>- adjacent to community facility</li> <li>- located at a main entrance point to the Clyde Walkway, frequented by walkers, fishermen, swimmers and cyclists</li> <li>- located adjacent to the A72 which is part of the Clyde Valley Tourist route and used by tourists and visitors who may not have access to the network</li> <li>- 9 public comments: 56% to 44% in favour of retention</li> </ul>
02	01555662050	AT SMYLLUM PARK PC01 SMYLLUM ROAD LANARK	ML11 7BT	2	Object	<ul style="list-style-type: none"> <li>- higher social need of the area including: <ul style="list-style-type: none"> <li>• higher than average council rented accommodation (36.9% of the housing tenure compared to 13.2% Scottish average)</li> <li>• higher than average working aged residents employment deprived (12.6% compared to 9.3% Scottish average)</li> <li>• higher than average income deprived (16.4% compared to 12.2% Scottish average)</li> </ul> </li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- close to primary school where presence of payphone can provide a valuable service.</li> <li>- Royal Burgh of Lanark Community Council object on basis of area of deprivation.</li> <li>- 8 public comments: 63% to 37% in favour of retention</li> </ul>
02	01555811242	PCO PC01 MAIN STREET FORTH LANARK	ML11 8AE	3	Object	<ul style="list-style-type: none"> <li>- Higher social need of the area - (ranked in the most deprived 20% in Scotland (SIMD 2020), including: <ul style="list-style-type: none"> <li>• higher than average council rented accommodation (41.4% of the housing tenure compared to 13.2% Scottish average)</li> <li>• higher than average working aged residents employment deprived (15.9% compared to 9.3% Scottish average)</li> <li>• Higher than average income deprived (20.6% compared to 12.2% Scottish average)</li> </ul> </li> <li>- close to shops/commercial area where presence of payphone can provide a valuable service</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- In 2019, Council agreed to the loss of the other BT payphone at Merlindale, Forth. Loss of this phone would mean no public payphone in a deprived, rural village. The nearest payphones would be approximately 7 miles away in Carwath/Carstairs (also proposed for removal)</li> <li>- 9 public comments: 56% to 44% in favour of retention</li> </ul>
03	01555840499	OPP. NO.38 PCO1 MAIN STREET NEWBIGGING LANARK	ML11 8LZ	0	Agree	<ul style="list-style-type: none"> <li>- No calls in past year</li> <li>- No overriding socio-economic justification for retention</li> <li>- Other payphones in reasonable proximity at Elsrickle and Carnwath</li> <li>- 8 public comments: 63% to 37% in favour of removal</li> </ul>
03	01555870221	ADJ. NO.2 PCO1 FORREST LANE CARSTAIRS LANARK	ML11 8QB	1	Object	<ul style="list-style-type: none"> <li>- Higher social need of the area including: <ul style="list-style-type: none"> <li>• Significant proportion of council rented accommodation (33.4%) compared to Scottish average of 13.2%)</li> <li>• Higher than average income deprived (16.8% compared to 12.2% Scottish average)</li> </ul> </li> </ul>



Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- Located adjacent to village green and playpark and shops where payphone may provide a valuable service</li> <li>- Located in an area where history of traffic accidents on A70</li> <li>- 8 public comments: 63% to 37% in favour of retention</li> </ul>
03	01555870361	PCO PCO1 ST. CHARLES AVENUE CARSTAIRS JUNCTION LANARK	ML11 8PG	1	Object	<ul style="list-style-type: none"> <li>- Payphone out of use and in poor condition – inaccurate representation of calls made</li> <li>- Higher social need of the area including: <ul style="list-style-type: none"> <li>• significant proportion of council rented accommodation (47.1%, compared to Scottish average of 13.2%);</li> <li>• higher than average income deprived (17.9% compared to 12.2% Scottish average)</li> </ul> </li> <li>- close to railway station where presence of payphone can provide a valuable service.</li> <li>- Adjacent to playpark where phone may provide a valuable service</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- 9 public comments: 56% to 44% in favour of retention</li> </ul>
03	01864502200	PCO PCO1 CARLISLE ROAD CRAWFORD BIGGAR	ML12 6TP	0	Object	<ul style="list-style-type: none"> <li>- Phone was out of order and in poor condition, therefore inaccurate indication of calls made.</li> <li>- Adjacent to playpark where there may be need for emergency call or for emergency use by children without mobiles</li> <li>- isolated rural area where the phone can be a lifeline to the community</li> <li>- located on National Cycle Route 74 where the phone may provide a valuable service to passing cyclists</li> <li>- 9 public comments: 67% to 33% in favour of retention</li> </ul>
03	01864502334	PCO PCO1 CARLISLE ROAD ABINGTON BIGGAR	ML12 6SD	1	Object	<ul style="list-style-type: none"> <li>- isolated rural area where the phone can be a lifeline to the community</li> <li>- located on National Cycle Route 74 where the phone may provide a valuable service to passing cyclists</li> <li>- 10 public comments: 60% to 40% in favour of retention</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
03	01864504242	PCO PCO 1 GATESIDE ROAD CRAWFORDJOHN BIGGAR	ML126SL	1	Object	<ul style="list-style-type: none"> <li>- Phone was out of order and in poor condition, therefore inaccurate indication of calls made.</li> <li>- Rural area with inconsistent mobile coverage</li> <li>- Isolated rural area where the phone can be a lifeline to the community</li> <li>- 9 public comments: 56% to 44% in favour of retention</li> </ul>
03	01864505218	PCO PCO 1 DUMFRIES ROAD ELVANFOOT BIGGAR	ML12 6TF	0	Object	<ul style="list-style-type: none"> <li>- Phone was out of order and in poor condition, therefore inaccurate indication of calls made.</li> <li>- Inconsistent mobile coverage</li> <li>- A702 at this location has suffered four traffic accidents in the last 5 years - requirement for emergency payphone</li> <li>- isolated rural area where the phone can be a lifeline to the community</li> <li>- 9 public comments: 56% to 44% in favour of retention</li> </ul>
03	01899308258	PCO PCO1 MAIN STREET SYMINGTON BIGGAR	ML12 6LL	0	Object	<ul style="list-style-type: none"> <li>- Phone was out of order and in poor condition, therefore inaccurate indication of calls made.</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- 10 public comments: 70% to 30% in favour of retention</li> </ul>
03	01899308301	PCO PCO MILLANDS ROAD THANKERTON BIGGAR	ML12 6NX	0	Object	<ul style="list-style-type: none"> <li>- Phone apparently out of use for 3 months due to coin jam, so inaccurate representation of calls made</li> <li>- in an area of social housing</li> <li>- Isolated rural area where the phone can be a lifeline to the community</li> <li>- Proximity to Tinto Hill (popular hillwalking location) and accident blackspots on A73 – may be required for emergency calls in area of variable mobile coverage</li> <li>- Objection from Quothquan &amp; Thankerton Community Council – variable mobile service, no other boxes in area, emergency service lifeline, acts as BT hotspot used by locals to get coverage</li> <li>- 9 public comments: 67% -to33% in favour of retention</li> </ul>
03	01899810231	ADJ WALSTON U.A.X. PCO CARNWATH LANARK	ML11 8NF	0	Object	<ul style="list-style-type: none"> <li>- Phone was out of order and in poor condition, therefore inaccurate indication of calls made.</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- 8 public comments: 63% to 37% in favour of retention</li> </ul>
03	01968682225	PCO PCO1 EDINBURGH ROAD DOLPHINTON WEST LINTON	EH46 7AD	0	Object	<ul style="list-style-type: none"> <li>- Phone was out of order and therefore inaccurate indication of calls made.</li> <li>- inconsistent mobile coverage</li> <li>- located on A702 which has 14 road traffic accidents in the last 10 years along this stretch close to Dolphinton – potential emergency requirement for payphone</li> <li>- area frequented by tourists and walkers who may require access to a payphone</li> <li>- 9 public comments: 67% to 33% in favour of retention</li> </ul>
04	01555880257	PCO PCO1 BEECHGROVE STREET RIGSIDE LANARK	ML11 9LU	0	Object	<ul style="list-style-type: none"> <li>- Higher social need of the area (ranked in the worst 5% in Scotland - SIMD 2020), including: <ul style="list-style-type: none"> <li>• higher than average council rented accommodation (50.1% of the housing tenure compared to 13.2% Scottish average)</li> <li>• Higher than average income deprived (34.4% compared to 12.2% Scottish average)</li> </ul> </li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- isolated rural area where payphone provides valuable service</li> <li>- 8 public comments: 63% to 37% in favour of retention</li> </ul>
04	01555892244	PCO PCO / 01555 892244 ABBEYGREEN ROAD LESMAHAGOW LANARK	ML11 OAL	5	Object	<ul style="list-style-type: none"> <li>- Reasonable usage</li> <li>- Higher social need of the area (ranked in worst 10% in Scotland – SIMD 2020) including: <ul style="list-style-type: none"> <li>• higher than average council rented accommodation (37.9% of the housing tenure compared to 13.2% Scottish average)</li> <li>• higher than average working aged residents employment deprived (16.8% compared to 9.3% Scottish average)</li> <li>• Higher than average income deprived (23.5% compared to 12.3% Scottish average)</li> </ul> </li> <li>- 93.4% of dwellings in council tax band A (20.9% for Scotland)</li> <li>- 9 public comments: 56% to 44% in favour of retention</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- In 2019, the Council agreed to the removal of the other BT phone in Abbeygreen Road. To remove this one would leave a deprived area without a public payphone</li> </ul>
05	01357521269	PCO 1 LARKHALL ROAD GLASSFORD STRATHAVEN	ML10 6TH	0	Object	<ul style="list-style-type: none"> <li>- Phone was out of order and in poor condition, therefore inaccurate indication of calls made.</li> </ul>
07	01355221511	ADJ TO SHOPS PCO1 WESTWOOD HILL EAST KILBRIDE, GLASGOW	G75 8DD	2	Agree	<ul style="list-style-type: none"> <li>- Low usage</li> <li>- No overriding socio-economic justification to retain</li> <li>- 10 public comments: 50% favour removal; 30% object and 20% no opinion</li> </ul>
07	1355220178	PCO 1 CHALMERS CRESCENT EAST KILBRIDE GLASGOW	G75 0PE	9	Object	<ul style="list-style-type: none"> <li>- Reasonable usage</li> <li>- located adjacent to shops where the phone may be provide valuable service to customers</li> <li>- greater need in the area</li> <li>- higher percentage of surrounding population are income and employment deprived than national average</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- significantly higher percentage of income support claimants who are lone parents and Housing Benefit households which are single with child dependants</li> <li>- 10 public comments: 60% object to removal; 30% agree to removal and 10% no opinion</li> </ul>
07	01355223484	PCO 1 WESTWOOD SQUARE EAST KILBRIDE GLASGOW	G75 8JQ	6	Object	<ul style="list-style-type: none"> <li>- Reasonable usage</li> <li>- Relatively higher social need of the area</li> <li>- higher % of population is 75+ compared to national average</li> <li>- high density of population (high % of terraced houses/flats)</li> <li>- high % of council rented accommodation</li> <li>- located adjacent to shops where the phone may provide a valuable service to customers</li> <li>- 10 public comments: 50% object to removal; 40% favour removal and 10% no opinion</li> </ul>



Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
08	01355220505	PCO1 ADJ TO NO.22 STRATHFILLAN ROAD EAST KILBRIDE GLASGOW	G74 1DA	0	Object	<ul style="list-style-type: none"> <li>- phone was out of order and box was in very poor condition, inaccurate indication of calls made</li> <li>- representation in support of retention due to inconsistent mobile coverage</li> <li>- 10 public comments: 80% - 20% in favour of retention</li> </ul>
08	01355265860	OUTSIDE ST. LEONARDS SHOPPING CENTRE ST. LEONARDS SQUARE EAST KILBRIDE GLASGOW	G74 2AT	11	Object	<ul style="list-style-type: none"> <li>- Reasonably high usage</li> <li>- higher % of population is 75+ compared to national average, likelihood of less mobile phone ownership</li> <li>- higher percentage of lone pensioner and other pensioner households than national average</li> <li>- located adjacent to shops where the phone may provide a valuable service to customers</li> <li>- 10 public comments: 60% object to removal; 30% favour removal and 10% no opinion</li> </ul>
12	01416474574	PCO1 JUNCTION STONELAW RD JOHNSTONE DRIVE RUTHERGLEN GLASGOW	G73 2PT	6	Object	<ul style="list-style-type: none"> <li>- reasonable usage</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- higher social need in the area – higher % of population aged 75+ than national average (20.5% compared to 8.4%)</li> <li>- higher % lone pensioner households than national average (21.4% compared to 13.1%)</li> <li>- adjacent to Rutherglen Primary Care Centre – full range of clinics and health care services which may generate requirement for payphone use from visitors to these facilities and adjacent pharmacies</li> </ul>
13	01416413975	PCO1 ADJ TO 100 DUKES ROAD CAMBUSLANG GLASGOW	G72 7AH	0	Agree	<ul style="list-style-type: none"> <li>- No usage and in working order</li> <li>- no particular socio-economic requirement for retention</li> <li>- 14 public comments: 79% to 21% in favour of removal</li> </ul>
15	01698822271	JCN STATION RD PCO1 FARM ROAD BLANTYRE GLASGOW	G72 9AH	15	Object	<ul style="list-style-type: none"> <li>- Reasonably high usage</li> <li>- close to railway station, public park and skatepark, primary school and River Clyde where presence of payphone can provide a valuable service</li> <li>- 16 public comments: 63% object to removal</li> </ul>

Ward	Telephone number	Address	Postcode	Average no. of calls per month	Agree/ Adopt/ Object	Comments/Reasons
						<ul style="list-style-type: none"> <li>- One individual letter supporting removal due to vandalism and anti-social behaviour</li> </ul>
19	01698285904	O/S LOW WATERS POST OFFICE PCO1 BIRKHALL ROAD HAMILTON	ML3 8BG	41	Object	<ul style="list-style-type: none"> <li>- high usage</li> <li>- Higher social need of the area (ranked in the most deprived 20% in Scotland - SIMD 2020), including: <ul style="list-style-type: none"> <li>• higher than average council rented accommodation (25.0% of the housing tenure compared to 13.2% Scottish average)</li> <li>• higher density of housing in the vicinity (higher percentage of flats than national average)</li> <li>• higher than average working aged residents employment deprived (11.7% compared to 9.3% Scottish average)</li> </ul> </li> <li>- located adjacent to shops, pub and local facilities where payphone useful for calling taxis</li> <li>- 11 public comments: 55% to 45% object to removal</li> </ul>

